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THE
WORKS

OF

Vol 10. 74

That Great Monarch, and Glorious Martyr, *76*

King CHARLES I.

IN TWO VOLUMES.

VOLUME II.

CONTAINING,

His Majesty's DECLARATIONS
concerning his Proceedings in
his four First Parliaments.

PAPERS which passed between
his Majesty and the Ministers
about Episcopacy, at Newport
in the Isle of Wight, in the
Year 1648.

PAPERS concerning the Treaty
at OXFORD.

PAPERS concerning the Treaty
at UXBRIDGE.

His Majesty's TRIAL before
the pretended High Court of
Justice; Lists of his Judges,
&c. His Majesty's Speech on
the Scaffold, and an Account
of his dying Behaviour.

VERSES on the Death of the
Royal Martyr, &c.

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W O R K S

OF

THE GREAT BRITISH AND IRELAND MUSEUM

KING CHARLES I.

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TWO VOLUMES



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THE HISTORY OF THE REIGN OF KING CHARLES I. FROM THE YEAR 1625 TO 1649. BY JOHN EVELYN. 1769. 45.

HIS MAJESTY'S DECLARATIONS concerning his Proceedings in his Four first Parliaments.

A declaration of the true causes which moved his Majesty to assemble, and after enforced him to dissolve the first and second meetings in parliament.

THE King's most excellent majesty, since his happy access to the imperial crown of this realm, having by his royal authority summoned and assembled two several parliaments, the first whereof was in August last by adjournment held at Oxford, and there dissolved, and the other begun in February last, and continued until the fifteenth day of this present month of June, and then, to the unspeakable grief of himself, and (as he believeth) of all his good and well-affected subjects, dissolved also; although he well knoweth that the calling, adjourning, proroguing, and dissolving of parliaments, being his great council of the kingdom, do peculiarly belong unto himself by an undoubted prerogative, inseparably united to his imperial crown, of which, as of his other regal actions, he is not bound to give an account to any but to God only, whose immediate lieutenant and vicègerent he is in these his realms and dominions, by the divine Providence committed to his charge and government: yet forasmuch as, by the assistance of the Almighty, his purpose is so to order himself and all his actions, especially the great and publick actions of state concerning the weal of his people, as may justify themselves not only to his own conscience and to his own people, but to the whole world; his majesty hath thought it fit and necessary, as the affairs now stand both at home and abroad, to make a true, plain, and clear declaration of the causes which moved his majesty to assemble, and after enforced him to dissolve these parliaments: that so the mouth of malice itself may be stopped, and the doubts and fears of his own good subjects at home, and of his friends and allies abroad, may be satisfied, and the deserved blame of so

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unhappy accidents may justly light upon the authors thereof. When his majesty, by the death of his dear and royal father of ever-blessed memory, first came to the crown, he found himself engaged in a war with a potent enemy, not undertaken rashly; nor without just and honourable grounds, but enforced, for the necessary defence of himself and his dominions, for the support of his friends and allies, for the redeeming of the ancient honour of this nation, for the recovering of the patrimony of his dear sister, her consort and their children, injuriously, and under colour of treaties and friendship taken from them, and for the maintenance of the true religion; and invited thereunto and encouraged therein by the humble advice of both the houses of parliament, and by their large promises and protestations to his late majesty, to give him full and real assistance in those enterprizes which were of so great importance to this realm, and to the general peace and safety of all his friends and allies. But when his majesty entered into a view of his treasure, he found how ill provided he was to proceed effectually with so great an action, unless he might be assured to receive such supplies from his loving subjects as might enable him to manage the same. Hereupon his majesty being willing to tread in the steps of his royal progenitors, for the making of good and wholesome laws for the better government of his people, for the right understanding of their true grievances, and for the supply of monies to be employed for those publick services, he did resolve to summon a parliament with all convenient speed he might; and finding a former parliament already called in the life of his father, he was desirous, for the speedier dispatch of his weighty affairs and gaining of time, to have continued the same without any alteration of the members thereof, had he not been advised to the contrary by his judges and counsel at law, for that it had been subject to question in law, which he desired to avoid. But as soon as possibly he could, he summoned a new parliament, which he did with much confidence and assurance of the love of his people, that those who not long before had with some importunity won his father, to break off his former treaties with Spain, and to effect it
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had used the mediation of his now majesty, being then prince and a member of the parliament, and had promised in parliament their uttermost assistance for the enabling of his late majesty to undergo the war which they then foresaw might follow, would assuredly have performed it to his now majesty, and would not have suffered him in his first enterprize of so great an expectation to have run the least hazard through their defaults. This parliament (after some adjournment by reason of his majesty's unavoidable occasions interposing) being assembled on the eighteenth day of June, it is true that his commons in parliament, taking into their due and serious consideration the manifold occasions which at his first entry did press his majesty, and his most important affairs which both at home and abroad were then in action, did with great readiness and alacrity, as a pledge of their most bounden duty and thankfulness, and as the first fruits of the most dutiful affections of his loving and loyal subjects devoted to his service, present his majesty with the free and chearful gift of two entire subsidies: which their gift, and much more the freeness and heartiness expressed in the giving thereof, his majesty did thankfully and lovingly accept. But when he had more narrowly entered in the consideration of his great affairs wherein he was embarked, and from which he could not without much dishonour and disadvantage withdraw his hand, he found that this sum of money was much short of that which of necessity must be presently expended for the setting forward of those great actions which by advice of his council he had undertaken, and were that summer to be pursued. This his majesty imparted to his commons house of parliament: but before the same could receive that debate and due consideration which was fit, the fearful visitation of the plague in and about the cities of London and Westminster, where the lords and the principal gentlemen of quality of his whole kingdom were for the time of this their service lodged and abiding, did so much increase, that his majesty, without extreme peril to the lives of his good subjects, which were dear unto him, could not continue the parliament any longer in that place. His majesty therefore on the eleventh day of

July then following adjourned the parliament from Westminster until the first day of August then following, to the city of Oxford; and his highness was so careful to accommodate his lords and commons there, that, as he made choice of that place, being then the freest of all others from the danger of that grievous sickness, so he there fitted the parliament-men with all things convenient for their entertainment: and his majesty himself being in his own heart sincere and free from all ends upon his people (which the searcher of hearts best knoweth) he little expected that any misconstruction of his actions would have been made, as he there found. But when the parliament had been a while there assembled, and his majesty's affairs opened unto them, and a further supply desired, as necessity required, he found them so slow and so full of delays and diversions in their resolutions, that before any thing could be determined, the fearful contagion daily increased, and was dispersed into all the parts of this kingdom, and came home even to their doors where they were assembled. His majesty therefore rather preferred the safety of his people from that present and visible danger, than the providing for that which was more remote, but no less dangerous to the state of this kingdom, and of the affairs of that part of christendom which then were and yet are in friendship and alliance with his majesty, and thereupon his majesty not being then able to discern when it might please God to stay his hand of visitation, nor what place might be more secure than other at a time convenient for their re-assembling, his majesty dissolved that parliament.

That parliament being now ended, his majesty did not therewith cast off his royal care of his great and important affairs; but by the advice of his privy council and of his council of war, he continued his preparations and former resolutions, and therein not only expended those monies which by the two subsidies aforesaid were given unto him for his own private use, whereof he had too much occasion, as he found the state of his exchequer at his first entrance; but added much more of his own, as by his credit and the credit of some of his servants he was able to compass the same. At last, by much disadvantage by the retarding of provisions and
uncertainty

uncertainty of the means, his navy was prepared and set to sea, and the designs unto which they were sent and specially directed were so probable and so well advised, that had they not miscarried in the execution, his majesty is well assured they would have given good satisfaction not only to his own people, but to all the world, that they were not lightly or unadvisedly undertaken and pursued. But it pleased God, who is the Lord of hosts, and unto whose providence and good pleasure his majesty doth and shall ever submit himself and all his endeavours, not to give that success which was desired. And yet were those attempts not altogether so fruitless as the envy of the times hath apprehended, the enemy receiving thereby no small loss, and our party no little advantage; and it would much avail to further his majesty's great affairs and the peace of christendom, which ought to be the true end of all hostility, were these first beginnings, which are most subject to miscarry, well seconded and pursued, as his majesty intended, and as, in the judgment of all men conversant in actions of this nature, were fit not to have been neglected. These things being thus acted, and God of his infinite goodness, beyond expectation, assuaging the rage of the pestilence, and in a manner of a sudden restoring health and safety to the cities of London and Westminster, which are the fittest places for the resort of his majesty, his lords and commons, to meet in parliament, his majesty in the depth of winter, no sooner descried the probability of a safe assembling of his people, and in his princely wisdom and providence foresaw, that if the opportunity of seasons should be omitted, preparations both defensive and offensive could not be made in such sort as was requisite for their common safety; but he advised and resolved of the summoning of a new parliament, where he might freely communicate the necessities of the state, and by the counsel and advice of the lords and commons in parliament, who are the representative body of the whole kingdom, and the great council of the realm, he might proceed in these enterprizes, and be enabled thereunto, which concern the common good, safety, and honour, both of prince and people; and accordingly the sixth of February last a new parliament

was begun. At the first meeting his majesty did forbear to press them with any thing which might have the least appearance of his own interest, but recommended unto them the care of making of good laws, which are the ordinary subject for a parliament: his majesty believing that they could not have suffered many days, much less many weeks, to have passed by, before the apprehension and care of the common safety of this kingdom, and of the true religion professed and maintained therein, and of our friends and allies, who must prosper or suffer with us, would have led them to a due and a timely consideration of all the means which might best conduce to those ends: which the lords of the higher house by a committee of that house did timely and seasonably consider of, and invited the commons to a conference, concerning that great business; at which conference there were opened unto them the great occasions which pressed his majesty: which making no impression with them, his majesty did, first by message, and after by letters, put the house of commons in mind of that which was most necessary, the defence of the kingdom, and due and timely preparations for the same. The commons house after this, upon the seven and twentieth of March last, with one unanimous consent at first agreed to give unto his majesty three entire subsidies and three fifteens for a present supply unto him; and upon the six and twentieth of April after, upon second cogitations they added a fourth subsidy, and ordered the days of payment for them all; whereof the first should have been on the last day of this present month of June. Upon this, the king of Denmark and other princes and states being engaged with his majesty in this common cause, his majesty fitted his occasions according to the times which were appointed for the payment of those subsidies and fifteens, and hastened on the lords committees and his council at war to perfect their resolutions for the ordering and settling of his designs: which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their counsels, but want of money to put things into action. His majesty hereupon, who had with much patience expected the real performance of that which the

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the commons had promised, finding the time of the year passing away, and having intelligence, not only from his own ministers and subjects in foreign parts, but from all parts of christendom, of the great and powerful preparations of the king of Spain, and that his design was upon this kingdom, or the kingdom of Ireland, or both, (and it is hard to determine which of them would be of worst consequence) he acquainted the house of commons therewith, and laid open unto them truly and clearly how the state of things then stood, and yet stand, and at several times and upon several occasions reiterated the same. But that house being abused by the violent and ill-advised passions of a few members of the house, for private and personal ends, ill befitting publick persons trusted by their country, as then they were, not only neglected, but wilfully refused to hearken to all the gentle admonitions which his majesty could give them, and neither did nor would intend any thing but the prosecution of one of the peers of this realm; and that in such a disordered manner, as being set at their own instance into a legal way, wherein the proofs on either part would have ruled the cause, which his majesty allowed, they were not therewith content, but in their intemperate passions and desires to seek for errors in another, fell into a greater error themselves, and not only neglected to give just satisfaction to his majesty in several cases which happened concerning his regality, but wholly forgot their engagements to his majesty for the publick defence of the realm: whereupon his majesty wrote a letter to the speaker, dated the ninth day of June, 1626, in these words.

“ **T**Rusty and well beloved, we greet you well. Our
“ house of commons cannot forget how often
“ and how earnestly we have called upon them for the
“ speeding of that aid which they intend unto us for
“ our great and weighty affairs, concerning the safety
“ and honour of us and our kingdoms; and now the
“ time being so far spent, that unless it be presently
“ concluded, it can neither bring us money nor credit
“ by the time which themselves have prefixed, which is
“ the last of this month, and being further deferred
“ would be of little use, we being daily advertised from

“ all parts of the great preparation of the enemy ready
“ to assail us, We hold it necessary by these our letters
“ to give them our last and final admonition, and to
“ let them know, that we shall account all further delays
“ and excuses to be express denials : and therefore we
“ will and require you to signify unto them, that we do
“ expect that they forthwith bring forth their bill of
“ subsidy to be passed without delay or condition, so
“ as it may fully pass that house by the end of the next
“ week at the furthest ; which if they do not, it will
“ force us to take other resolutions. But let them
“ know, that if they finish this according to our desire,
“ that we are resolved to let them sit together for the
“ dispatch of their other affairs, and after their recess
“ to bring them together again the next winter. And
“ if by their denial or delay any thing of ill consequence
“ shall fall out either at home or abroad, we
“ may call God and man to witness, that we have done
“ our part to prevent it, by calling our people together
“ to advise with us, by opening the weight of our occasions
“ unto them, and by requiring their timely
“ help and assistance in those actions wherein we stand
“ engaged by their own counsels. And we will and
“ command you, that this letter be publicly read in
“ the house.”

Notwithstanding which letter read in the house, being a clear and gracious manifest of his majesty's resolutions, they never so much as admitted one reading to the bill of subsidies ; but instead thereof they prepared and voted a remonstrance or declaration, which they intended to prefer to his majesty, containing (though palliated with glossing terms) as well many dishonourable aspersions upon his majesty, and upon the sacred memory of his deceased father, as also dilatory excuses for their not proceeding with the subsidies, adding thereto also coloured conditions, crossing thereby his majesty's direction : which his majesty understanding, and esteeming it (as he had cause) to be a denial of the promised supply, and finding that no admonitions could move, no reasons or persuasions could prevail, when the time was so far spent, that they had put an impossibility upon themselves to perform their promises, when they

Concerning his two first parliaments.

they esteemed all gracious messages unto them to be but interruptions : his majesty upon mature advisement discerning that all further patience would prove fruitless, on the fifteenth day of this present month he hath dissolved this unhappy parliament : the acting whereof, as it was to his majesty an unexpressible grief, so the memory thereof doth renew the hearty sorrow which all his good and well affected subjects will compassionate with him.

These passages his majesty hath at the more length and with the true circumstances thereof expressed, and published to the world, lest that which hath been unfortunate in itself, through the malice of the authors of so great a mischief, and the malevolent report of such as are ill affected to this state or the true religion here professed, or the fears or jealousies of friends and dutiful subjects, might be made more unfortunate in the consequences of it, which may be of worse effect than at the first can be well apprehended. And his majesty, being best privy to the integrity of his own heart, for the constant maintaining of the sincerity and unity of the true religion professed in the church of England, and to free it from the open contagion of popery and secret infection of schism, of both which by his publick acts and actions he hath given good testimony, and with a single heart, as in the presence of God, who can best judge thereof, purposeth resolutely and constantly to proceed in the due execution of either ; and observing the subtilty of the adverse party, he cannot but believe that the hand of Joab hath been in this disaster, that the common incendiaries of Christendom have subtilly and secretly insinuated those things which unhappily (and, as his majesty hopeth, beyond the intentions of the actors) have caused these diversions and distractions : and yet notwithstanding his most excellent majesty, for the comfort of his good and well affected subjects, in whose loves he doth repose himself with confidence, and esteemieth it as his greatest riches, for the assuring of his friends and allies, with whom, by God's assistance, he will not break in the substance of what he hath undertaken, for the discouraging of his adversaries, and the adversaries of his cause, and of his dominions :

and religion, hath put on this resolution, which he doth hereby publish to all the world ; that as God hath made him king of this great people and large dominions, famous in former ages both by land and sea, and trusted him to be a father and protector both of their persons and fortunes, and a defender of the faith and true religion : so he will go on chearfully and constantly in the defence thereof, and (notwithstanding so many difficulties and discouragements) will take his sceptre and sword into his hand, and not expose the persons of the people committed to his charge to the insatiable desires of the king of Spain, who hath long thirsted after an universal monarchy, nor their consciences to the yoke of the pope of Rome ; and that at home he will take that care to redress the just grievances of his good subjects as shall be every way fit for a good king. And in the mean time his majesty doth publish this to all his loving subjects, that they may know what to think with truth, and speak with duty, of his majesty's actions and proceedings in these two last dissolved parliaments.

Given at his majesty's palace at Whitehall, this thirtieth day of June, in the second year of his majesty's reign of Great Britain, France, and Ireland.

His Majesty's declaration to all his loving subjects, of the causes which moved him to dissolve his third parliament. Published by his Majesty's special command.

¶ By the KING.

A proclamation about the dissolving of the parliament.

W Hereas we, for the general good of our kingdom, caused our high court of parliament to assemble and meet by prorogation the twentieth day of January last past, sithence which time the same hath been continued : and although in this time, by the malevolent dispositions of some ill affected persons of the house of commons, we have had sundry just causes of offence and dislike of their proceedings ; yet we resolved with patience to try the uttermost, which we the rather did, for that we found in that house a great number of sober and grave persons, well affected to religion and government, and desirous to preserve unity and peace in all parts of
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our kingdom; and therefore having on the five and twentieth day of February last, by the uniform advice of our privy council, caused both houses to be adjourned until this present day, hoping in the mean time that a better and more right understanding might begotten between us and the members of that house, whereby this parliament might have an happy end and issue; and for the same intent, we did again this day command the like adjournment to be made until the tenth day of this month: it hath so happened by the disobedient and seditious carriage of those said ill-affected persons of the house of commons, that we and our regal authority and commandment have been so highly contemned, as our kingly office cannot bear, nor any former age can parallel. And therefore it is our full and absolute resolution to dissolve the same parliament; whereof we thought good to give notice unto all the lords spiritual and temporal, and to the knights, citizens and burgessees of this present parliament, and to all others whom it may concern, that they may depart about their needful affairs, without attending any longer here.. Nevertheless we will that they and all others should take notice, that we do and ever will distinguish between those who have shewed good affection to religion and government, and those that have given themselves over to faction, and to work disturbance to the peace and good order of our kingdom.

Given at our court at Whitehall, this second day of March, in the fourth year of our reign of Great Britain, France, and Ireland. God save the king.

[For his Majesty's speech at the dissolving of this parliament, see vol. I. p. 346.]

His majesty's declaration to all his loving subjects, of the causes which moved him to dissolve the parliament.

HOwsoever princes are not bound to give account of their actions but to God alone; yet for the satisfaction of the minds and affections of our loving subjects, we have thought good to set down thus much by way of declaration, that we may appear to the world in the truth and sincerity of our own actions, and not in those colours in which we know some turbulent and

ill-affected spirits (to masquerade and disguise their own wicked intentions, dangerous to the state) would represent us to the publick view. We assembled our parliament the seventeenth day of March, in the third year of our reign, for the safety of religion, for securing our kingdoms and subjects at home, and our friends and allies abroad, and therefore at the first sitting down of it we declared the miserable afflicted estate of those of the reformed religion in Germany, France, and other parts of Christendom; the distressed extremities of our dearest uncle the king of Denmark, chased out of a great part of his dominions; the strength of that party which was united against us; that (besides the pope and house of Austria and their ancient confederates) the French king professed the rooting out of the protestant religion; that of the princes and states on our party some were over-run, others diverted, and some disabled to give assistance. For which and other important motives we propounded a speedy supply of treasure, answerable to the necessities of the cause. These things in the beginning were well resented by the house of commons, and with much alacrity and readiness they agreed to grant a liberal aid: but before it was brought to any perfection they were diverted by a multitude of questions raised amongst them concerning their liberties and privileges, and by other long disputes, that the bill did not pass in a long time; and by that delay our affairs were put into far worse case than at the first, our foreign actions then in hand being thereby disgraced and ruined for want of timely help. In this, as we are not willing to derogate from the merit and good intentions of those wise and moderate men of that house (to whose forwardness we attribute it that it was propounded and resolved so soon,) so we must needs say, that the delay of passing it when it was resolved, occasioned by causeless jealousies stirred up by men of another temper, did much lessen both the reputation and reality of that supply: and their spirit infused into many of the commissioners and assessors in the country, hath returned up the subsidies in such a scanty proportion as is infinitely short, not only of our great occasions, but of the precedents of former subsidies, and of the intentions of all well-affected men in that house.

house. In those large disputes, as we permitted many of our high prerogatives to be debated, which in the best times of our predecessors had never been questioned without punishment or sharp reproof; so we did endeavour to have shortened those debates, for winning of time, which would have much advantaged our great affairs both at home and abroad: and therefore both by speeches and messages we did often declare our gracious and clear resolution to maintain, not only the parliament, but all our people, in their ancient and just liberties, without either violation or diminution: and in the end, for their full satisfaction and security, did by an answer, framed in the form by themselves desired, to their parliamentary petition, confirm their ancient and just liberties and rights; which we resolve with all constancy and justice to maintain. This parliament, howsoever, besides the settling our necessary supply and their own liberties, they wasted much time in such proceedings (blasting our government) as we are unwilling to remember, yet we suffered to sit until themselves desired us to appoint a time for their recess, not naming either adjournment or prorogation. Whereupon, by advice of our council, we resolved to prorogue, and make a session: and to that end prefixed a day, by which they might (as was meet in so long a sitting) finish some profitable and good laws; and withal gave order for a gracious pardon to all our subjects: which, according to the use of former parliaments, passed the higher house, and was sent down to the commons. All which being graciously intended by us, was ill entertained by some disaffected persons of that house, who by their artifices in a short time raised so much heat and distemper in the house, for no other visible cause, but because we had declared our resolution to prorogue, as our council advised, and not to adjourn, as some of that house (after our resolution declared, and not before) did manifest themselves to affect; that seldom hath greater passion been seen in that house upon the greatest occasions. And then some glances in the house, but open rumors abroad, were spread, that by the answer to the petition we had given away not only our impositions upon goods exported and imported, but the tonnage and poundage: where-

as in the debate and hammering of that petition there was no speech or mention in either house concerning those impositions, but concerning taxes and other charges within the land; much less was there any thought thereby to debar us of tonnage and poundage, which both before and after the answer to that petition, the house of commons, in all their speeches and treatises, did profess they were willing to grant. And at the same time many other misinterpretations were raised of that petition and answer, by men not well distinguishing between well-ordered liberty and licentiousness; as if by our answer to that petition we had let loose the reins of our government. And in this distemper, the house of commons laying aside the pardon (a thing never done in any former parliament) and other businesses fit to have been concluded that session, some of them went about to frame and contrive a remonstrance against our receiving of tonnage and poundage; which was so far proceeded in, the night before the prefixed time for concluding the session, and so hastened by the contrivers thereof, that they meant to have put it to the vote of the house the next morning, before we should prorogue the session. And therefore finding our gracious favours in that session afforded to our people so ill requited, and such sinister strains made upon our answer to that petition, to the diminution of our profit, and (which was more) to the danger of our government; we resolved to prevent the finishing of that remonstrance and other dangerous intentions of some ill-affected persons, by ending the session the next morning some few hours sooner than was expected, and by our own mouth to declare to both houses the causes thereof; and, for hindering the spreading of those sinister interpretations of that petition and answer, to give some necessary directions for settling and quieting our government until another meeting, which we performed accordingly the six and twentieth of June last. The session thus ended and the parliament risen, that intended remonstrance gave us occasion to look into that business of tonnage and poundage. And therefore, though our necessities pleaded strongly for us, yet we were not apt to strain that point too far, but resolved to guide ourself
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by the practice of former ages, and examples of our most noble predeceffors ; thinking those counsels best warranted, which the wisdom of former ages concurring with the present occasions did approve; and therefore gave order for a diligent search of records ; upon which it was found, that although in the parliament holden in the first year of the reign of king Edward the fourth, the subsidy of tonnage and poundage was not granted unto that king, but was first granted unto him by parliament in the third year of his reign ; yet the same was accounted and answered to that king from the first day of his reign, all the first and second years of his reign, and until it was granted by parliament : and that in the succeeding times of king Richard the third, king Henry the seventh, king Henry the eighth, king Edward the sixth, queen Mary, and queen Elizabeth, the subsidy of tonnage and poundage was not only enjoyed by every of those kings and queens, from the death of each of them deceasing, until it was granted by parliament unto the successor ; but in all those times, (being for the most part peaceable, and not burthened with like charges and necessities as these modern times) the parliament did most readily and chearfully, in the beginning of every of those reigns, grant the same, as a thing most necessary for the guarding of the seas, safety and defence of the realm, and supportation of the royal dignity. And in the time of our royal father, of blessed memory, he enjoyed the same a full year, wanting very few days, before his parliament began, and above a year before the act of parliament for the grant of it was passed : and yet when the parliament was assembled, it was granted without difficulty. And in our own time, we quietly received the same three years and more, expecting with patience in several parliaments the like grant thereof as had been made to so many of our predeceffors ; the house of commons still professing, that multitude of other business, and not want of willingness on their part, had caused the settling thereof to be so long deferred. And therefore finding so much reason and necessity for the receiving of the ordinary duties in the custom-house to concur with the practice of such a succession of kings and queens, famous for wisdom, justice and government, and

and nothing to the contrary, but that intended remonstrance hatched out of the passionate brains of a few particular persons; we thought it so far from the wisdom and duty of a house of parliament, as we could not think that any moderate and discreet man (upon composed thoughts, setting aside passion and distemper) could be against receiving of tonnage and poundage; especially since we do and still must pursue those ends, and undergo that charge, for which it was first granted to the crown; it having been so long and constantly continued to our predecessors, as that in four several acts of parliament for the granting thereof to King Edward the sixth, Queen Mary, Queen Elizabeth, and our blessed father, it is in express terms mentioned to have been had and enjoyed by the several kings named in those acts, time out of mind, by authority of parliament. And therefore, upon these reasons, we held it agreeable to our kingly honour, and necessary for the safety and good of our kingdom, to continue the receipt thereof, as so many of our predecessors had done. Wherefore when a few merchants (being at first but one or two) fermented, as it is well known, by those evil spirits that would have hatched that undutiful remonstrance, began to oppose the payment of our accustomed duties in the custom-house, we gave order to the officers of our customs to go on, notwithstanding that opposition, in the receiving of the usual duties; and caused those that refused to be warned to attend at the council-board, that by the wisdom and authority of our council they might be reduced to obedience and duty, where some of them, without reverence or respect to the honour and dignity of that presence, behaved themselves with such boldness and insolency of speech, as was not to be endured by a far meaner assembly; much less to be countenanced by a house of parliament, against the body of our privy council.

And as in this we did what in honour and reason was fit for the present: so our thoughts were daily intentive upon the re-assembling of our parliament, with full intention on our part to take away all ill understanding between us and our people, whose loves as we desired to continue and preserve, so we used our best endeavours

endeavours to prepare and facilitate the way to it. And to this end, having taken a strict and exact survey of our government both in the church and common wealth, and what things were most fit and necessary to be reformed, we found in the first place, that much exception had been taken at a book entituled *Appello Casarem*, or an appeal to Caesar, and published in the year 1625, by Richard Mountague, then batchelor of divinity, and now bishop of Chichester : and because it did open the way to those schisms and divisions which have since ensued in the church, we did, for remedy and redress thereof, and for satisfaction of the consciences of our good people, not only by our publick proclamation call in that book, which ministered matter of offence, but, to prevent the like danger for hereafter, reprinted the articles of religion established in the time of Queen Elizabeth of famous memory, and, by a declaration before those articles, we did tie and restrain all those opinions to the sense of those articles, that nothing might be left for private fancies and innovation. For we call God to record, before whom we stand, that it is, and always hath been, our hearts desire to be found worthy of that title which we account the most glorious in all our crown, Defender of the Faith ; neither shall we ever give way to the authorizing of any thing whereby any innovation may steal or creep into the church, but preserve that unity of doctrine and discipline established in the time of Queen Elizabeth, whereby the church of England hath stood and flourished ever since. And as we were careful to make up all breaches and rents in religion at home ; so did we, by our proclamation and commandment for the execution of laws against priests and popish recusants, fortify all ways and approaches against that foreign enemy : which if it have not succeeded according to our intention, we must lay the fault where it is, in the subordinate officers and ministers in the country, by whose remissness jesuits and priests escape without apprehension, and recusants from those convictions and penalties which the laws and our commandment would have inflicted on them. For we do profess that, as it is our duty, so it shall be our care, to command

command and direct well; but it is the part of others to perform the ministerial office. And when we have done our office, we shall account ourself, and all charitable men will account us, innocent both to God and men: and those that are negligent, we will esteem as culpable both to God and us; and therefore will expect that hereafter they give us a better account. And as we have been careful for the settling of religion and quieting the church, so we were not unmindful of the preservation of the just and ancient liberties of our subjects; which we secured to them by our gracious answer to the petition in parliament, having not since that time done any act whereby to infringe them; but our care is, and hereafter shall be, to keep them entire and inviolable, as we would do our own right and sovereignty; having for that purpose enrolled the petition and answer in our courts of justice. Next to the care of religion and of our subjects rights, we did our best for the provident and well ordering of that aid and supply which was granted us the last session; whereof no part hath been wastefully spent, nor put to any other use than those for which it was desired and granted, as upon payment of our fleet and army: wherein our care hath been such, as we chose rather to discontent our dearest friends and allies, and our nearest servants, than to leave our soldiers and mariners unsatisfied, whereby any vexation or disquiet might arise to our people. We have also with part of those monies begun to supply our magazines and stores of munition, and to put our navy into a constant form and order. Our fleet likewise is fitting, and almost in a readiness; whereby the narrow seas may be guarded, commerce maintained, and our kingdom secured from all foreign attempts. These acts of ours might have made this impression in all good minds, that we were careful to direct our councils and dispose our actions so as might most conduce to the maintenance of religion, honour of our government, and safety of our people. But with mischievous men once ill-affected, *Seu bene, seu male facta premunt*: and whatsoever once seemed amiss, is ever remembered; but good endeavours are never regarded.

Now all these things, that were the chief complaints
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the last session, being by our princely care so seriously reformed, the parliament re-assembled the twentieth of January last : we expecting, according to the candour and sincerity of our own thoughts, that men would have framed themselves for the effecting a right understanding between us and our people. But some few malevolent persons, like empiricks and lewd artists, did strive to make new work, and to have some disease on foot to keep themselves in request, and to be employed and entertained in the cure. And yet to manifest how much offences have been diminished, the committees for grievances, committees for courts of justice, and committees for trade have since the sitting down of the parliament received few complaints ; and those such, as they themselves have not thought to be of that moment or importance with which our ears should be acquainted. No sooner therefore was the parliament set down, but these ill-affected men began to sow and disperse their jealousies, by casting out some glances and doubtful speeches, as if the subject had not been so clearly and well dealt with touching their liberties, and touching the petition answered the last parliament. This being a plausible theme, thought on for an ill purpose, easily took hold on the minds of many that knew not the practice : and thereupon the second day of the parliament a committee was appointed to search, whether the petition and our answer thereunto were enrolled in the parliament roll and in the courts at Westminster, and in what manner the same was done. And a day was then also appointed on which the house, being resolved into a committee, should take into consideration those things wherein the liberty of the subject had been invaded against that petition. This, though it produced no other effect of moment or importance, yet was sufficient to raise a jealousy against our proceedings in such as were not well acquainted with the sincerity and clearness of them. There followed another of no less skill : for although our proceeding before the parliament about matters of religion might have satisfied any moderate men of our zealous care thereof (as we are sure it did the most ;) yet, as bad stomachs turn the best things into their own nature for want of good digestion,

gestion, so those distempered persons have done the like of our good intents, by a bad and sinister interpretation. For when they did observe that many honest and religious minds in that house did complain of those dangers that did threaten the church; they likewise took the same word in their mouth, and their cry likewise was *Templum Domini, Templum Domini*, when the true care of the church never came into their hearts; and what the one did out of zeal unto religion, the other took up as a plausible theme to deprave our government; as if we, our clergy and council, were either senseless or careless of religion. And this wicked practice hath been to make us seem to walk before our people as if we halted before God. Having by these artifices made a jealous impression in the hearts of many, and a day being appointed to treat of the grant of tonnage and poundage; at the time prefixed all express great willingness to grant it: but a new strain is found out, that it could not be done without great peril to the right of the subject, unless we should disclaim any right therein but by grant in parliament; and should cause all those goods to be restored which upon commandment from us or our council were stayed by our officers, until those duties were paid; and consequently should put ourself out of possession of the tonnage and poundage before they were granted, for else it was pretended the subject stood not in fit to case to grant it. A fancy and cavil raised of purpose to trouble the business, it being evident that all the kings before-named did receive that duty, and were in actual possession of it, before, and at the very time when it was granted to them by parliament. And although we, to remove all difficulties, did from our own mouth, in those clear and open terms that might have satisfied any moderate and well disposed minds, declare, that it was our meaning by the gift of our people to enjoy it, and that we did not challenge it of right, but took it *de bene esse*, shewing thereby not the right, but the necessity by which we were to take it; wherein we descended for their satisfaction so far beneath ourself, as we are confident, never any of our predecessors did the like, nor was the like ever required or expected from them: yet for all this the bill of tonnage

nage and poundage was laid aside, upon pretence they must first clear the right of the subject therein ; under colour whereof they entertain the complaints not only of John Rolls, a member of their house, but also of Richard Chambers, John Fowkes, and Bartholomew Gilman, against the officers of our customs, for detaining their goods upon refusal to pay the ordinary duty accustomed to be paid for the same.

And upon these complaints they send for the officers of the customs, enforcing them to attend day after day by the space of a month together : they cause them to produce their letters patents under our great seal, and the warrants made by our privy council for levying of those duties ; they examine the officers upon what questions they please, thereby to entrap them for doing our service and commandment. In these and other their proceedings, because we would not give the least shew of interruption, we endured long with much patience both these and sundry other strange and exorbitant encroachments and usurpations, such as were never before attempted in that house. We are not ignorant how much that house hath of late years endeavoured to extend their privileges, by setting up general committees for religion, for courts of justice, for trade, and the like ; a course never heard of until of late : so as where in former times the knights and burgesses were wont to communicate to the house such business as they brought from their countries, now there are so many chairs erected to make enquiry upon all sorts of men, where complaints of all sorts are entertained, to the unsufferable disturbance and scandal of justice and government ; which having been tolerated a while by our father and ourself, hath daily grown to more and more height : insomuch as young lawyers sitting there take on them to decry the opinions of the judges, and some have not doubted to maintain that the resolutions of that house must bind the judges ; a thing never heard of in ages past. But in this last assembly of parliament they have taken on them much more than ever before. They sent messengers to examine our attorney general, who is an officer of trust and secrecy, touching the execution of some commandment

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of ours ; of which, without our leave first obtained, he was not to give account to any but to ourself. They sent a captious and directory message to the lord treasurer, chancellor, and barons of the exchequer, touching some judicial proceedings of theirs in our court of exchequer. They sent messengers to examine upon sundry questions our two chief justices, and three other of our judges, touching their judicial proceedings at the goal delivery at Newgate ; of which they are not accountable to the house of commons. And whereas suits were commenced in our court of star-chamber against Richard Chambers, John Fowkes, Bartholomew Gilman, and Richard Philips, by our attorney general, for great misdemeanors, they resolved that they were to have privilege of parliament against us for their persons, for no other cause, but because they had petitions depending in that house, and (which is more strange) they resolved that a signification should be made from that house, by a letter to issue under the hand of their speaker, unto the lord keeper of our great seal, that no attachments should be granted out against the said Chambers, Fowkes, Gilman, or Philips, during their said privilege of parliament : whereas it is far above the power of that house, to give direction to any of our courts at Westminster to stop attachments against any man, though never so strongly privileged ; the breach of privilege being not in the court that grants, but in the party or minister that puts in execution such attachments. And therefore if any such letter had come to the lord keeper, as it did not, he should have highly offended us, if he had obeyed it. Nay, they went so far, as they spared not the honour of our council board, but examined their proceedings in the case of our customers, interrogating what this or that man of our council said in direction of them in the business committed to their charge. And when one of the members of that house, speaking of our counsellors, said, we had wicked counsel, and another said, That the council and judges sought to trample under feet the liberty of the subject, and a third traduced our high court of star-chamber for the sentence given against Savage ; they passed without check or censure by the house. By
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which may appear how far the members of that house have of late swollen beyond the rules of moderation and the modesty of former times ; and this under pretence of privilege and freedom of speech, whereby they take liberty to declare against all authority of council and courts at their pleasure. They sent for our sheriff of London, to examine him in a cause whereof they had no jurisdiction ; their true and ancient jurisdiction extending only to their own members, and to the conservation of their privileges, and not to the censure of foreign persons and causes, which have no relation to their privileges ; the same being but a late innovation. And yet upon an enforced strain of a contempt, for not answering to their satisfaction, they committed him to the tower of London, using that outward pretext for a cause of their committing him ; the true and inward cause being, for that he had shewed himself dutiful to us and our commandments in the matter concerning our customs.

In these innovations (which we will never permit again) they pretended, indeed, our service ; but their drift was to break by this means through all respects and ligaments of government, and to erect an universal overswaying power to themselves, which belongs only to us, and not to them. Lastly, in their proceedings against our customers, they went about to censure them as delinquents, and to punish them for staying some goods of some factious merchants in our store-house, for not paying those duties which themselves had formerly paid, and which the customers without interruption had received of all other merchants many years before, and to which they were authorized both by our great seal, and by several directions and commandments from us and our privy council. To give some colour to their proceedings herein, they went about to create a new privilege, which we will never admit ; that a parliament man hath privilege for his goods against the king : the consequence whereof would be, that he may not be constrained to pay any duties to the king during the time of privilege of parliament. It is true, they would have made this case to have been between the merchant and our farmers of our custom, and have severed

vered them from our interest and commandment, thereby the rather to make them liable to the censure and punishment of that house. But on the other side, we, holding it both unjust and dishonourable to withdraw ourself from our officers in any thing they did by our commandment, or to disavow any thing that we had enjoined to be done, upon Monday the three and twentieth day of February, sent a message unto them by secretary Coke, thanking them for the respect they had shewed in severing the interests of our farmers from our own interest and commandment; nevertheless we are bound in honour to acknowledge as truth, that what was done by them was done by our express direction and commandment; and if for doing thereof our farmers should suffer, it would highly concern us in honour. Which message was never delivered unto them, but in a tumultuous and discontented manner they called, Adjourn, Adjourn; and thereupon, without any cause given on our part, in a very unusual manner adjourned themselves until the Wednesday following; on which day, by the uniform advice of our privy council, we caused both houses be adjourned until the second day of March; hoping that in the mean time a better and more right understanding might be begotten between us and the members of that house, whereby the parliament might come to an happy issue. But understanding, by good advertisement, that their discontent did not in that time digest and pass away, we resolved to make a second adjournment until the tenth of March; which was done as well to take time to ourselves to think of some means to accommodate those difficulties, as to give them time to advise better; and accordingly we gave commandment for a second adjournment in both houses, and for cessation of all businesses till the day appointed, which was very dutifully obeyed in the higher house, no man contradicting or questioning it. But when the same commandment was delivered in the house of commons by their speaker, it was straitways contradicted; and although the speaker declared unto them, it was an absolute right and power in us to adjourn, as well as to prorogue or dissolve, and declared and read unto them
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divers precedents of that house to warrant the same, yet our commandment was most contemptuously disobeyed; and some rising up to speak, saying they had business to do before the house should be adjourned, the speaker again declared our express and peremptory command to adjourn, and that himself should presently leave the house, and come unto us; which he offered to do, but was withstood by two that had of purpose placed themselves, one on either side of the speaker's chair, and by force held him in for a time; yet the speaker finding means to get out of the chair, and purposing to come to us, as we had commanded, those two and divers others caught hold of him, and by strong hand brought him back and set him in the chair against his will: and then a member of that house cast out a most seditious paper framed by himself and his adherents, without any warrant from the house, and containing a proscription of such as in duty and obedience to us should advise or assist us in the receipt of tonnage and poundage, or should pay that duty, as enemies to the state; and required it to be read. A most audacious insolency, for any to presume to do that of their own heads, which if the whole house had done in that manner, had been above their power, and had deserved the highest censure. But the speaker refusing to read it, the author of it took on him most seditiously and factiously to declare the contents of it, and he and other his adherents required it should be put to the question. Which being disliked by many grave and wise men in the house, and refused by the speaker (as we doubt not but all good men will believe he had cause, and even abhor the memory of that insolent and seditious act) yet many bitter taunts and invectives were uttered against the speaker by those factious persons, and the doors being fast locked, such as were well affected to our service, were, against their wills, kept in the house all the time of this tumult and disorder. And when some advertisement came to us that the house was in great distemper, we first sent for the serjeant of the house, whom they, after they knew our pleasure therein, presumptuously detained. And after we sent a message unto them by the gentleman usher of the high-

er house; but he coming to the door, and declaring that he had a message from us, was refused to be admitted; and being kept at the door a long time, at last the house adjourned themselves without receiving our message; a proceeding so irregular as no parliament can parallel: when our absolute commands, warranted by law and precedents of former times, were disobeyed, the speaker violated, our messenger and message excluded, which ought to have been admitted if they were a house; and if they were not a house, they ought not at all to have disputed, much less to blast, the honour of our servants, to proscribe our best subjects, and give law to sovereignty, striking at the very essence of monarchy. By all which it appears, that there wanted not men in that house that would get themselves a name by setting Diana's temple on fire, and make themselves popular by putting all the kingdom in combustion. For what other end could there be in that malicious speech, whereby a wicked Shimei at that time would make us odious in the eyes of all our people, as if it were meant to transfer all trade, and give the fatness of the land to strangers? A conceit (we call God to witness) which never entered into our soul, and, we think, never harboured in any heart but that seditious heart which first broached it. For God forbid we should love any ends so well, as by any necessity to be driven to forget that indissoluble bond between us and our people. We could and would have expected longer, had we conceived any hope of their returning to their duty. Whilst the duke of Buckingham lived, he was intitled to all the distempers and ill events of former parliaments; and therefore much endeavour was used to demolish him, as the only wall of separation between us and our people. But now he is dead, no alteration was found amongst those inveterate spirits, which troubled then the blessed harmony between us and our subjects, and continue still to trouble it. For now, under the pretence of public care of the commonwealth, they suggest new and causeless fears, which in their own hearts they know to be false, and devise new engines of mischief, so to cast a blindness upon the good affections of our people, that they may not see the

the truth and largeness of our heart towards them, so that now it is manifest the duke was not alone the mark that those men shot at, but was only, as a near minister of ours, taken upon the by, and in their passage to their more secret designs; which only were to cast our affairs into a desperate condition, to abate the powers of our crown, and to bring our government into obloquy, that in the end all things may be overwhelmed with anarchy and confusion. We do not impute these disasters to the whole house of commons, knowing that there were amongst them many religious, grave, and well minded men: but the sincerer and better part of the house being over-borne by the practices and clamors of the other, who, careless of their duties, and taking advantage of the times and our necessities, have forced us to break off this meeting, which, had it been answered with like duty on their parts as it was invited and begun with love on ours, might have proved happy and glorious both to us and this whole nation. We have thus declared the manifold causes we had to dissolve this parliament: whereby all the world may see how much they have forgotten their former engagements at the entry into the war, themselves being persuaders to it, promising to make us feared by our enemies, and esteemed by our friends: and how they turned the necessities grown by that war, to enforce us to yield conditions incompatible with monarchy. And now, that our people may discern that these provocations of evil men (whose punishment we reserve to a due time) have not changed our good intentions to our subjects, we do here profess to maintain the true religion, and doctrine established in the church of England, without admitting or conniving at any backsliding either into popery or schism. We do also declare, that we will maintain the antient and just rights and liberties of our subjects with so much constancy and justice, that they shall have cause to acknowledge, that under our government and gracious protection they live in a more happy and free estate than any subjects in the christian world. Yet let no man hereby take the boldness to abuse that liberty, turning it to licentiousness, nor misinterpret the petition, by perverting it to a lawless liberty, wan-

only or frowardly under that or any other colour to resist lawful and necessary authority. For as we will maintain our subjects in their just liberties : so we do and will expect that they yield as much submission and duty to our royal prerogatives, and as ready obedience to our authority and commandments, as hath been performed to the greatest of our predecessors. And for our ministers, we will not that they be terrified by those harsh proceedings that have been strained against some of them. For as we will not command any thing unjust or dishonourable, but shall use our authority and prerogatives for the good of our people ; so we will expect that our ministers obey us, and they shall assure themselves we will protect them. As for our merchants, we let them know, we shall always endeavour to cherish and enlarge the trade of such as be dutiful, without burdening them beyond that which is fitting ; but the duty of five in the hundred for the guarding of the seas and defence of the realm (to which we hold ourselves still obliged, and which duty hath continued without interruption so many successions of ages) we hold no dutiful or good subject will deny it, being so necessary for the good of the whole kingdom. And if any factious merchant will affront us in a thing so reasonable, and wherein we require no more nor in no other manner than so many of our predecessors have done, and have been dutifully obeyed ; let them not deceive themselves, but be assured that we shall find honourable and just means to support our estate, vindicate our sovereignty, and preserve that authority which God hath put into our hands. And now, having laid down the truth and clearness of our proceedings, all wise and discreet men may easily judge of those rumours and jealous fears that are maliciously and wickedly bruited abroad ; and may discern by examination of their own hearts, whether in respect of the free passage of the gospel, indifferent and equal administration of justice, freedom from oppression, and the great peace and quietness which every man enjoyeth under his own vine and fig-tree, the happiness of this nation can be paralleled by any other of our neighbour countries : and if not, then to acknowledge their own blessedness, and for the
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same be thankful to God, the author of all goodness.

By the King. A proclamation for suppressing of false rumors touching parliaments.

WHereas, notwithstanding our late declaration for satisfying of the minds and affections of our loving subjects, some ill-disposed persons do spread false and pernicious rumours abroad, as if the scandalous and seditious proposition in the house of commons, made by an outlawed man, desperate in mind and fortune, which was tumultuously taken up by some few after that by our royal authority we had commanded their adjournment, had been the vote of the whole house, whereas the contrary is the truth; for it was then decreed by the wisest and best affected, and is since disavowed upon examination by such as were suspected to have consented thereunto, and affirmed, as well by them as others who served in the house that day, to be a thing of a most wicked and dangerous consequence to the good estate of this kingdom: which appeareth to be so, by those impressions which this false rumour hath made in mens minds, whereby, out of causeless fears, the trade of the kingdom is disturbed, and merchants discouraged to continue in their wonted traffic: we have thought it expedient, not only to manifest the truth hereof, but to make known our royal pleasure, that those who raise or nourish such false reports shall be severely punished, and such as chearfully go on with their trade have all good encouragement, not purposing to overcharge our subjects by any new burdens, but to satisfy ourselves with those duties that were received by the king our father of blessed memory: which we neither can nor will dispense withal, but shall esteem them unworthy of our protection who shall deny the same; we intending to employ it for defence of our kingdoms, dominion of our seas, and safeguard of our merchants, specially by such shipping as are now making ready, and such further preparation for aid of our friends and allies as need shall require. And whereas, for several ill ends, the calling again of a parliament is divulged; howsoever we have shewed, by our frequent

meeting with our people, our love to the use of parliaments; yet the late abuse having for the present driven us unwillingly out of that course, we shall account it presumption for any to prescribe any time unto us for parliaments, the calling, continuing, and dissolving of which is always in our own power: and we shall be more inclinable to meet in parliament again, when our people shall see more clearly into our intents and actions; when such as have bred this interruption shall have received their condign punishment; and those who are misled by them, and by such ill reports as are raised upon this occasion, shall come to a better understanding of us and themselves.

Given at our court of Whitehall, this seven and twentieth day of March, in the fifth year of our reign of Great Britain, France and Ireland. God save the king.

His Majesty's Letter to the judges concerning Ship-money.

To our trusty and well beloved Sir John Bramston, knight, chief justice of our bench; Sir John Finch, knight, chief justice of our court of common pleas; Sir Humphrey Davenport, knight, chief baron of our court of exchequer; and to the rest of the judges of our courts of king's bench, common pleas, and the barons of our court of exchequer.

CHARLES R.

TRusty and well beloved, we greet you well. Taking into our princely consideration that the honour and safety of this our realm of England, the preservation whereof is only entrusted to our care, was and is more nearly concerned in late than former times, as well by divers counsels and attempts to take from us the dominion of the seas, of which we are sole lord and rightful owner, or proprietor, and the loss whereof would be of greatest danger and peril to this kingdom, and other our dominions, as many other ways; we, for the avoiding of these and the like dangers, well weighing with ourself, that where the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, there the charge and defence ought to be borne by all the realm in general, did, for the preventing

ting so publick a mischief, resolve with ourself to have a royal navy prepared, that might be of force and power (with Almighty God's blessing and assistance) to protect and defend this our realm and our subjects therein from all such perils and dangers : and for that purpose we issued forth writs under our great seal of England, directed to all our sheriffs of our severall counties of England and Wales, commanding thereby all our said subjects in every city, town, or village, to provide such a number of ships, well furnished, as might serve for this royal purpose, and which might be done with the greatest equality that could be. In performance whereof, though generally throughout all the counties of this our realm we have found in our subjects great chearfulness and alacrity, which we graciously interpret as a testimony as well of their dutiful affection to us and our service, as of the respect they have to the publick, which well becometh every good subject : nevertheless finding that some few, haply out of ignorance what the laws and customs of this realm are, or out of a desire to be eased in their particulars, how general soever the charge be or ought to be, have not yet paid and contributed to the severall rates and assessments that were set upon them ; and foreseeing in our princely wisdom, that from thence divers suits and actions are not unlikely to be commenced and prosecuted in our severall courts at Westminster ; we, desirous to avoid such inconveniencies, and out of our princely love and affection to all our people, being willing to prevent such errors as any of our loving subjects may happen to run into, have thought fit, in a case of this nature, to advise with you our judges, who we doubt not are well studied and informed in the rights of our sovereignty : and because the trials in our severall courts by the formalities in pleading will require a long protraction, we have thought fit by this letter directed to you all, to require your judgment in the case as it is set down in the inclosed paper ; which will not only gain time, but also be of more authority to overrule any prejudicate opinions of others in this point.

Given under our signet at our court of Whitehall, the second day of February, in the twelfth year of our reign, 1636.

C. R.

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CHARLES

CHARLES R.

WHEN the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, whether may not the king, by writ under the great seal of England, command all the subjects in his kingdom at their charge to provide and furnish such number of ships with men, victuals, and munition, and for such time as he shall think fit, for the defence and safeguard of the kingdom from such danger and peril; and by law compel the doing thereof, in case of refusal or refractoriness? and whether in such case is not the king the sole judge both of the danger, and when and how the same is to be prevented and avoided?

The answer of the Judges.

MAY it please your most excellent majesty, we have, according to your majesty's command, severally and every man by himself, and all of us together, taken into serious consideration the case and questions signed by your majesty, and inclosed in your letter: and we are of opinion, that when the good and safety of the kingdom is general is concerned, and the whole kingdom in danger, your majesty may, by writ under your great seal of England, command all the subjects of this your kingdom, at their charge to provide and furnish such number of ships with men, victual, munition, and for such time as your majesty shall think fit, for the defence and safeguard of the kingdom from such peril and danger: and that by law your majesty may compel the doing thereof in case of refusal or refractoriness. And we are also of opinion, that in such case your majesty is the sole judge both of the danger, and when and how the same is to be prevented and avoided.

John Bramston.

Richard Hutton,

George Vernon.

John Finch.

William Jones.

Robert Barkly.

Humphrey Davenport.

George Crook.

Francis Crauley.

John Denham.

Thomas Trevor.

Richard Weston.

His Majesty's Declaration to all his loving subjects, of the causes which moved him to dissolve his fourth parliament.

THE King's most excellent majesty well knoweth, that the calling, adjourning, proroguing, and dissolving of parliaments, are undoubted prerogatives inseparably annexed to his imperial crown, of which he is not bound to render any account but to God alone, no more than of his other regal actions,

Nevertheless his majesty, whose piety and goodness have

have made him ever so order and govern all things, that the clearness and candour of his royal heart may appear to all his subjects, especially in those great and publick matters of state that have relation to the weal and safety of his people, and the honour of his royal person and government, hath thought fit, for avoiding and preventing all sinister constructions and misinterpretations, which the malice of some persons ill-affected to his crown and sovereignty hath or may practise to infuse into the minds and ears of his good and faithful subjects, to set down by way of declaration the true causes as well of his assembling, as of his dissolving the late parliament.

IT is not unknown to most of his majesty's loving subjects, what discouragements he hath formerly had by the undutiful and seditious carriage of divers of the lower house, in preceeding assemblies of parliament, enough to have made him averse to those ancient and accustomed ways of calling his people together, when instead of dutiful expressions towards his person and government, they vented their own malice and disaffections to the state, and by their subtle and malignant courses endeavoured nothing more than to bring into contempt and disorder all government and magistracy. Yet his majesty well considering that but few were guilty of that seditious and undutiful behaviour, and hoping that time and experience had made his loving subjects sensible of the distemper the whole kingdom was in danger to be put into, by the ill-governed actions of those men, and his majesty being ever desirous to tread in the steps of his most noble progenitors, was pleased to issue forth his writs under the great seal of England, for a parliament to be holden on the thirteenth day of April last. At which day his majesty by the lord keeper of his great seal was graciously pleased to let both houses of parliament know, how desirous he was that all his people would unite their hearts and affections in the execution of those counsels that might tend to the honour of his majesty, the safety of his kingdoms, and the good and preservation of all his people; and withal how confident he was that they would not be failing in their duties and affections to him and to the publick. He laid open to them the manifest and apparent mischiefs threat-

ned to this and all his other kingdoms by the mutinous and rebellious behaviour of divers of the Scottish nation, who had by their examples drawn many of his subjects there into a course of disloyalty and disobedience, not fit for his majesty in honour, safety, or wisdom to endure. How, to strengthen themselves in their disloyal courses, they had addressed themselves to foreign states, and treated with them to deliver themselves up to their protection and defence, as was made apparent under the proper hands of the prime ringleaders of that rebellious faction. These courses of theirs, tending so much to the ruin and overthrow of this famous monarchy, united by the descent of the crown of England upon his majesty and his father of blessed memory, his majesty (in his great wisdom, and in discharge of the trust reposed in him by God, and by the fundamental laws of both kingdoms, for the protection and government of them) resolved to suppress, and thereby to vindicate that sovereign power entrusted to him. He had by the last summer's trial found that his grace and goodness was abused, and that, contrary to his expectation and their faithful promises, they had, since his being at Berwick and the pacification there made, pursued their former rebellious designs; and therefore it was necessary now for his majesty by power to reduce them to the just and modest condition of their obedience and subjection, which whenever they should be brought unto, or seeing their own errors should put themselves into a way of humility and obedience becoming them, his majesty should need no other mediators for clemency and mercy to them than his own piety and goodness, and the tender affection he hath ever borne to that his native kingdom.

This being of so great weight and consequence to the whole kingdom, and the charge of an army, fit to master such a business, amounting to so great a sum as his majesty had no means to raise, having not only emptied his own coffers, but issued between three and four hundred thousand pounds, which he borrowed of his servants upon security out of his own estate, to provide such things as were necessary to begin such an action with; his majesty, after the example of his predecessors, resorted to his people in their representative body the
parliament

parliament, whom he desired (with all the expressions of grace and goodness which could possibly come from him) that taking into serious and dutiful consideration the nature of these bleeding evils, and how dangerous it was to lose the least minute of time, lest thereby those of Scotland should gain opportunity to frame their parties with foreign states, that they would for a while lay aside all other debates, and pass an act for the speedy payment of so many subsidies as might enable his majesty to put in readiness for this summer those things which were to be prepared before so great an army could be brought into the field. For further supply necessary for so great an undertaking, his majesty declared that he expected it not, till there might be an happy conclusion of that session, and till their just grievances might be first graciously heard and relieved. Wherein as his majesty would most willingly have given them the precedence before matter of supply, if the great necessity of his occasions could have permitted; so he was graciously pleased, for their full assurance and satisfaction therein, to give them his royal word, that without determining the session upon granting of the subsidies, he would give them before they parted as much time as the season of the year and the great affairs in hand would permit, for considering all such petitions as they should conceive to be good for the commonwealth; and what they could not now finish, they should have full time to perfect towards winter; his majesty graciously assuring them, that he would go along with them for their advantage through all the expressions of a gracious and pious king, to the end there might be such a happy conclusion of that, as might be the cause of many more meetings with them in parliament. From their first assembling until the 21st of April, the house of commons did nothing that could give his majesty any content or confidence in their speedy supplying of him: whereupon he commanded both the houses to attend him in the banquetting-house at Whitehall in the afternoon of that 21st day of April. Where by the lord keeper his majesty put them in mind of the end for which they were assembled, which was for his majesty's supply; that if it were not speedy, it would be of no use unto him, part of the

Army then marching at the charge of above a hundred thousand pounds a month, which would all be lost if his majesty were not presently supplied, so as it was not possible to be longer forborne. Yet his majesty then expressed, that the supply he for the present desired was only to enable him to go on with his designs for three or four months, and that he expected no further supply till all their just grievances were relieved. And because his majesty had taken notice of some misapprehensions about the levying of the shipping-money, his majesty commanded the lord keeper to let them know, that he never had any intention to make any revenue of it, nor had ever made any; but that all the money collected had been paid to the treasurer of the navy, and by him expended, besides great sums of money every year out of his majesty's own purse. That his majesty had once resolved this year to have levied none: but that he was forced to alter his resolution, in regard he was of necessity to send an army for reducing those of Scotland, during which time it was requisite the seas should be well guarded: and besides, his majesty had knowledge of the great fleets prepared by all neighbouring princes this year, and of the insolencies committed by those of Algiers, with the store of ships which they had in readiness. And therefore though his majesty for this present year could not forbear it, but expected their concurrence in the levying of it; yet for the future, to give all his subjects assurance how just and royal his intentions were, and that all his aim was but to live like their king, able to defend himself and them, to be useful to his friends, and considerable to his enemies, to maintain the sovereignty of the seas, and so make the kingdom flourish in trade and commerce, he was graciously pleased to let them know that the ordinary revenue now taken by the crown could not serve the turn, and therefore that it must be by shipping-money or some other way, wherein he was willing to leave it to their considerations what better course to find out, and to settle it how they would, so the thing were done, which so much imported the honour and safety of the kingdom; and his majesty for his part would most readily and chearfully grant any thing they could desire for
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securing them in the property of their goods and estates, and in the liberty of their persons. His majesty telling them it was in their power to make this as happy a parliament as ever was, and to be the cause of the king's delighting to meet with his people, and his people with him. That there was no such way to effect this as by putting obligations of trust and confidence upon him : which as it was the way of good manners with a king, so it was a surer and safer course for themselves than any that their own jealousies and fears could invent ; his majesty being a prince that deserved their trust, and would not lose the honour of it ; and a prince of such a gracious nature that disdained his people should overcome him by kindness.

He had made this good to some other subjects of his ; and if they followed his counsel, they should be sure not to repent it, being the people that were nearest and dearest to him, and subjects whom he did and had reason to value more than the subjects of any his other kingdoms. His majesty having thus graciously expressed himself unto them, he expected the house of commons would have the next day taken into consideration the matter of supply, and laid aside all other debates till that were resolved of according to his desire. But instead of giving an answer therein, such as the pressing and urgent occasions required, they fell into discourses and debates about their pretended grievances, and raised up so many, and of so several natures, that in a parliamentary way they could not but spend more time than his majesty's great and weighty affairs could possibly afford. His majesty foreseeing in his great wisdom that they were not in the way to make this an happy parliament, which he so much desired and hoped ; that nothing might be wanting on his part to bring them into the right way for his honour, the safety of the kingdom, and their own good, he resolved to desire the assistance of the lords of the higher house, as persons in rank and degree nearest to the royal throne, and who having received honour from him and his royal progenitors, he doubted not would for those and many other reasons be moved in honour and dutiful affection to his person and crown, to dispose the house of commons to express their
duties

duties to his majesty, in expediting the matter of supply, for which they were called together, and which required so present a dispatch. For this purpose, his majesty in his royal person came again to the lords house on Wednesday the 24th day of April, where himself declared to the lords the cause of his coming, which was, to put them in mind of what had been by the lord keeper in his name delivered unto both houses the first day of the parliament, and after at Whitehall; how, contrary to his expectation, the house of commons, having held consultation of matter of religion, property of goods, and liberty of parliament, and voted some things concerning those three heads, had thereby given them the precedence before the matter of his supply; that his necessities were such they could not bear delay: that whatever he had by the lord keeper promised he would perform, if the house of commons would trust him. For religion, that his heart and conscience went together with the religion established in the church of England, and he would give order to his archbishops and bishops, that no innovation in matter of religion should creep in. For the ship-money, that he never made or intended to make any profit to himself of it, but only to preserve the dominion of the seas, which was so necessary, that without it the kingdom could not subsist; but for the way and means, by ship-money or otherwise, he left it to them. For property of goods and liberty of parliament, he ever intended his people should enjoy them, holding no king so great as he that was king of a rich and free people; and if they had not property of goods and liberty of persons, they could be neither rich nor free. That if the house of commons would not first trust him, all his affairs would be disordered, and his business lost. That though they trusted him in part at first, yet before the parliament ended he must totally trust them, and in conclusion they must for execution of all things wholly trust him. Therefore since the matter was no more than who should be first trusted, and that the trust of him first was but a trust in part, his majesty desired the lords to take into their considerations his and their own honour, the safety and welfare of this kingdom, with the great danger it was in, and that they would

would by their advice dispose the house of commons to give his supply the precedence before the grievances. His majesty being departed, the lords took into serious consideration what his majesty had commended to their care : and forthwith laying aside all other debates (such was their lordships dutiful and affectionate carriage) they remembering well what had been formerly declared in his majesty's name to both houses, his majesty's gracious promises and expressions then and at this time, with the pressing and urgent occasions which so much imported the honour of his majesty and the good of this kingdom, their lordships delivered their votes in these words, " We are of opinion, that the matter of his
" majesty's supply should have precedence, and be re-
" solved of, before any other matter whatsoever ; and
" we think fit there should be a conference desired with
" the house of commons to dispose them thereun-
" to." Accordingly the next day, being Saturday the twenty fifth day of April, a conference was had in the painted chamber by a committee of both houses, where the lord keeper, by the lords command, told the house of commons of his majesty's being the day before in person in the higher house, how graciously he had expressed himself in matter of religion, property of goods, and liberty of parliament, and that he would therein graciously hear and relieve them, and give them what in reason could be desired, with the effect of what else had been graciously delivered unto them by his majesty, as well touching his constant zeal and affection to the religion established in the church of England, as touching the ship-money, and the necessity of his affairs, which was such, that delay was as prejudicial as denial, and that if time were lost, both houses could not recover it : and therefore their lordships, though they would move nothing, nor give any advice concerning subsidies, but decline it, as that which naturally was to begin with the house of commons; yet being alike interested and concerned in the honour and safety of the kingdom, they held it fit to let them know their opinions and desires, which was, that they should go first on with the matter of his majesty's supply, as that which was most necessary and fit to have precedence; and that being done, they
would

would chearfully join with them in the presenting of their grievances. The house of commons having heard their lordships opinion and desire, instead of concurring with their lordships in preferring the consideration of his majesty's supply before their grievances, they spent the whole day on Monday following, being the 27th of April, in taking causeless exceptions to what had been at the conference related to them; and the next day, being Tuesday the 28th of April, they desired a conference with the lords: and their lordships meeting them presently in the painted chamber, they were so far from their expressing of any willingness to join with their lordships in what had been upon so weighty reasons recommended unto them, that on the contrary they challenged the lords for invading the privileges of the house of commons; alledging, that the lords having in the former conference acknowledged that the matter of subsidy and supply ought to begin in the house of commons, had, in their voting that it was fit and most necessary that matter of supply should have precedence before all other business, not only been transported beyond the bounds which their lordships had formerly set to themselves, but by meddling with matter of supply had, as far as in them lay, concluded both the matter and order of proceeding, which the house of commons took to be a breach of their privilege, and for it desired reparation of their lordships. And because the lords had in the first conference enumerated those three particulars, of religion, property of goods, and privilege of parliament, the house of commons collected they had taken notice of some proceedings in their house concerning those particulars, and thereby broken another great privilege of the house of commons established in parliament, and called The indemnity of the commons. This, how strange and unexpected soever, the lords heard with patience; and being desirous to remove all impediments, and clear any mistakings that might retard or avert the resolutions of supplying his majesty, they seriously debated in the higher house what had been objected by the house of commons, and resolved, first, "that their lordships former voting, that in their opinions his majesty's supply should have precedence before

“ fore all other matters, was no breach of the privileges
“ of the house of commons; and secondly, that it was no
“ breach of the privileges of the house of commons for
“ their lordships to hear what his majesty declared to
“ them, and thereupon to report the same to the house
“ of commons.” And to the end the house of commons might have a right understanding of their lordships proceedings, their lordships desired another conference with them, which was accordingly had on Friday the first of May, in the painted chamber; where, by the command of the lords, the lord keeper declared to the house of commons, that the lords of the higher house had, as in duty and affection to his majesty’s crown and government they were bound, taken into serious consideration the great and weighty motives of his majesty’s calling this parliament, the great evils and calamities that hung over their heads, and the apparent danger the kingdom was like to run into, if by speedy and fitting supply his majesty were not enabled to prevent it; how insupportable delay and protraction was, and how impossible for both houses to recover the loss of time in a matter of so pressing and urgent necessity; that his majesty had both in the higher house and in the banquetting-house at Whitehall, expressed his gracious and princely desire to do all that from a just and gracious king might be expected, whereby this parliament might have a happy conclusion; how his majesty had promised all their just grievances should be graciously heard and relieved, that their lordships were witnesses his majesty had given his royal word herein, which their lordships for their parts did as much trust and confide in as ever subjects did. It was also then further declared unto them, that his majesty had lately honoured their house with his presence again, and had there renewed the remembrance of what had before been delivered to both houses, with the impossibility of admitting delay, and the clearness of his majesty’s intentions and resolutions, to give all just satisfaction to what with reason could be desired of him. That his majesty had taken notice of somewhat voted in the house of commons concerning religion, property of goods, and liberty of parliament, by which his majesty conceived the matter of his supply

set aside, which he had so often and with such weight of reason desired might have precedence. That his majesty after very gracious assurances of his constant affection and zeal for true religion, and for preventing all innovations therein, reiterating his often promises for relieving all their just grievances, with his royal intentions in that particular of ship-money which he found much stood upon, was pleased to desire their lordships (as persons in rank and degree nearest him, in honour as much or more concerned than others, and in the safety and prosperity of the kingdom at least equally interested with others) that in a case of this great and important weight, their lordships would by their counsel and persuation incline the house of commons to give his majesty a speedy answer and resolution in the matter of supply. That their lordships had taken his majesty's desire into serious and dutiful consideration, and upon great and solemn debate had only voted in these words, " We are
" of opinion that the matter of his majesty's supply
" should have precedence, and be resolved of before
" any other matter whatsoever; and that they did think
" fit there should be a conference desired with the
" house of commons to dispose them thereunto : " which as it was just and honourable for their lordships to do, so it was no breach of any privilege of the house of commons. For though their lordships did admit, that the bill of subsidies ought to begin in the house of commons and when it is agreed unto by the lords, must be returned back, and be by their speaker presented, and therefore their lordships disclaimed to meddle with subsidy or supply by such beginning in the higher house, or by naming the number of subsidies, times of payment, or any such circumstances incident to a bill : yet their lordships might confer and talk about supplies in general, and give their advice therein, that being no whit derogatory to the privileges of the house of commons, their lordships in all reason being likelier to communicate in the counsels and secrets of state, as those that were nearer to the royal throne, and having just cause therein to impart their fears and foresight of dangers to the house of commons. That such proceedings of their lordships, as they were grounded upon just and weighty reasons

reasons, so they were agreeable to ancient usage and custom, and were fully justified by that establishment in parliament mentioned by the house of commons at the last conference, being made at Gloucester in the 9th year of Henry the fourth, and stiled, not The indemnity of the commons, as had been said, but The indemnity of lords and commons. And for the other breach of privilege which had been objected, their lordships declared, that his majesty had told them the house of commons had resolved something concerning those three heads of religion, property of goods, and privilege of parliament. How his majesty knew of this resolution, belonged not to their lordships to enquire into, their lordships not meddling with any thing that others said to the king, but what the king said to them. And that their lordships were so far from holding it any violation of the privileges of the house of commons for their lordships to hear what the king declared to them, and for them thereupon to report the same to the house of commons, that on the contrary in duty to his majesty their lordships could do no other; and the communicating of it was an argument of affection and desire of good correspondence with the house of commons, and merited no such misconstruction as had been made of it: neither did that establishment in parliament 9 H. 4. contain any words that could be construed to make their lordships proceedings in this behalf any breach of the privileges of the house of commons. Their lordships proceedings and intentions being thus cleared, the lord keeper by their lordships command added further, that their lordships could not but return to their first grounds and resolutions, which were in all fair and affectionate manner to stir up in those of the house of commons the just consideration of those great and imminent dangers that threatened the kingdom at this time, and how dangerous and irrecoverable delay was, and withal to dispose them to take into their first and best thoughts the matter of his majesty's supply, and give him a speedy answer therein. Which their lordships were confident would be the means to make this a happy parliament, and to avert the publick calamities that menaced the ruin and overthrow of this famous monarchy. This
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having been delivered at that conference in their lordships names, was by his majesty most graciously interpreted as the noble testimony of their lordships affections to his person and government; for which his majesty by the lord keeper the next day gave their lordships hearty thanks. And withal, that nothing on his part might be left undone, his majesty that morning also, being Saturday the second of May, sent a message to the house of commons, which was delivered to them in these words; "That his majesty hath divers times
 " and by sundry ways acquainted this house with the
 " urgent necessity of supply, and with the great danger
 " inevitably to fall upon the whole state, upon his own
 " honour, and the honour of this nation, if more time
 " shall be lost therein. That, nevertheless, his majesty
 " hitherto hath received no answer at all. And
 " therefore considering that as heretofore his majesty
 " hath told this house, that a delay of his supply is as
 " destructive as a denial, his majesty doth again desire
 " them to give him a present answer concerning his
 " supply, his majesty being still resolved on his part to
 " make good whatsoever he hath promised by himself
 " or the lord keeper." After which message delivered unto them, they spent from nine in the morning till six o'clock in many discourses and debates touching their pretended grievances, but never came to any resolution what supply they would give his majesty, or whether they would give him any at all, but adjourned the farther debate till Monday following. At which time, because his majesty had understood the matter of shipping-money was that which was most insisted upon, and that the taking away of that not only for the present but for the future would be pleasing and acceptable unto them, his majesty sent another message unto them, which was, before they entered into any debate, delivered unto them in these words.

" Whereas upon Saturday last his majesty was
 " pleased to send a message to this house, desiring you
 " to give a present answer concerning his supply, to
 " which as yet his majesty hath had no other answer,
 " but that upon this day you will take it into further
 " consideration; therefore his majesty, the better to
 " faci.

“ facilitate your resolutions this day, hath thought fit
“ to let you know, That of his grace and favour he
“ is pleased, upon your granting of twelve subsidies to
“ be presently passed, and to be paid in three years,
“ with a proviso that it shall not determine the session,
“ his majesty will not only for the present forbear the le-
“ vying of any shipping money, but will give way to the
“ utter abolishing of it by any course that yourselves
“ shall like best. And for your grievances, his ma-
“ jesty will, according to his royal promise, give you
“ as much time as may be now, and the rest at Michael-
“ mas next. And his majesty expects a present and
“ positive answer, upon which he may rely, his affairs
“ being in such a condition as can endure no longer
“ delay.”

Notwithstanding this gracious message, and all other his majesty's former desires and promises, and the lords earnest persuasions, the house of commons spent eight or nine hours more in debating the matter of supply, without coming to any resolution at all ; and so mixed the consideration of that with other matters impertinent, and trenching highly to the diminution of his majesty's royal prerogative, that his majesty plainly discerned they went about to weary and tire him with delays ; and tho' in words some did not deny to supply him, yet in that also most moved to clog the bill of subsidies in such sort, that his majesty could not have accepted it without great prejudice to his prerogative ; and they were so far from declaring what they would do, that they entertained themselves with discourses tending to render odious to his people that gracious government of his, under which all his people have during his happy reign lived in such peace and felicity, when all the neighbouring kingdoms and states were in trouble and combustions. His majesty was hereupon enforced by the advice of his privy council to resolve to break up and dissolve the parliament, from which he could hope for no other fruit than the hindering of his great affairs, and disordering his happy government. And therefore his Tuesday the fifth of May his majesty came again in person to the lords house, and sending for the speaker and the house of commons. when they were come up said thus ; — [See Vol. I. page 348]

[Then the lord keeper added, *My lords and you gentlemen of the house of commons, the king's majesty doth dissolve this parliament.*]

BY all the proceedings herein declared, it is evident to all men how willing and desirous his majesty hath been to make use of the antient and noble way of parliament, used and instituted by his royal predecessors, for the preservation and honour of this famous monarchy: and that on his majesty's part nothing was wanting, that could be expected from a king, whereby this parliament might have had an happy conclusion, for the comfort and content of all his majesty's subjects, and for the good and safety of this kingdom. On the contrary, it is apparent how those of the house of commons (whose sinister and malicious courses enforced his majesty to dissolve this parliament) have vitiated and abused that antient and noble way of parliament, perverting the same to their own unworthy ends, and forgetting the true use and institution of parliaments. For whereas these meetings and assemblies of his majesty with the peers and commons of this realm were in their first original, and in the practice of all succeeding ages, ordained and held as pledges and testimonies of affection between the king and his people, the king for his part graciously hearing and redressing such grievances as his people in humble and dutiful manner should represent unto him, and the subjects on their part, as testimonies of their duty, supplying his majesty upon all extraordinary occasions, for the support of his honour and sovereignty, and for preserving the kingdom in glory and safety; those ill-affected members of the house of commons, instead of an humble and dutiful way of presenting their grievances to his majesty, have taken upon them to be the guiders and directors in all matters that concern his majesty's government, both temporal and ecclesiastical, and (as if kings were bound to give an account of their regal actions and of their manner of government to their subjects assembled in parliament) they have in a very audacious and insolent way entered into examination and censuring of the present government, traduced his majesty's administration
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of justice, rendered (as much as in them lay) odious to the rest of his majesty's subjects not only the officers and ministers of state, but even his majesty's very government; which hath been so just and gracious, that never did this or any other nation enjoy more blessings and happiness than hath been by all his majesty's subjects enjoyed ever since his majesty's access to the crown, nor did this kingdom ever so flourish in trade and commerce as at this present, or partake of more peace and plenty in all kinds whatsoever. And whereas the ordinary revenues of the crown not sufficing to defray extraordinary charges, it hath ever been the usage in all parliaments to aid and assist the kings of this realm with free and fitting supply towards the maintenance of their wars, and for making good their royal undertakings, whereby the kingdom intrusted to their protection might be held up in splendor and greatness; those ill-affected persons of the house of commons have been so far from treading in the steps of their ancestors by their dutiful expressions in this kind, that contrarily they have introduced a way of bargaining and contracting with the king, as if nothing ought to be given him by them but what he should buy and purchase of them, either by quitting somewhat of his royal prerogative, or by diminishing and lessening his revenues. Which courses of theirs, how repugnant they are to the duty of subjects, how unfit for his majesty in honour to permit and suffer, and what hazard and dishonour they subject this kingdom to, all men may easily judge that will but equally and impartially weigh them. His majesty hath been by this means reduced to such streights and extremities, that were not his care of the public good and safety the greater, these men (as much as in them lies) would quickly bring ruin and confusion to the state, and render contemptible this glorious monarchy. But this forwardness and undutiful behaviour of theirs cannot lessen his majesty's care of preserving the kingdoms entrusted to his protection and government, nor his gracious and tender affection to his people; for whose good and comfort his majesty by God's gracious assistance will so provide, that all his loving subjects may still enjoy the happiness of living under the
blessed

bleſſed ſhade and protection of his royal ſceptre. In the mean time, to the end all his majeſty's loving ſubjects may know how graciouſly his majeſty is inclined to hear and redreſs all the juſt grievances of his people, as well out of parliament as in parliament, his majeſty doth hereby further declare his royal will and pleaſure, that all his loving ſubjects, who have any juſt cauſe to preſent or complain of any grievances or oppreſſions, may freely addreſs themſelves by their humble petitions to his ſacred majeſty, who will graciouſly hear their complaints, and give ſuch fitting redreſs therein, that all his people ſhall have juſt cauſe to acknowledge his grace and goodneſs toward them, and to be fully ſatisfied, that no perſons nor aſſemblies can more prevail with his majeſty, than the piety and juſtice of his own royal nature, and the tender affection he doth and ſhall ever bear to all his people and loving ſubjects.

His majeſty's answer to the petition which accompanied the declaration preſented to him at Hampton-Court, 1ſt December, 1641.

WE having received from you, ſoon after our return out of Scotland, a long petition, conſiſting of many deſires of great moment, together with a declaration of a very unuſual nature annexed thereto, we had taken ſome time to conſider of it, as beſitted us in a matter of that conſequence, being confident that your own reaſon and regard to us, as well as our expreſs intimation by our comptroller to that purpoſe, would have reſtrained you from the publiſhing of it, till ſuch time as you ſhould have received our answer to it; but, much againſt our expectation, finding the contrary, that the ſaid declaration is already abroad in print by directions from your houſe, as appears by the printed copy, we are very ſenſible of the diſreſpect. Notwithſtanding, it is our intention that no failing on your part ſhall make us fail in ours, of giving all due ſatisfaction to the deſires of our people, in a parliamentary way; and therefore we ſend you this answer to your petition, reſerving ourſelf in point of the declaration, which we think unparliamentary, and ſhall take a courſe

to do that which we shall think fit in prudence and honour. To the petition we say, that although there are divers things in the preamble of it which we are so far from admitting, that we profess we cannot at all understand them, as, "Of a wicked and malignant party
" prevalent in the government: of some of that party
" admitted to our privy council, and to other employ-
" ments of trust, and nearest to us and our children;
" of endeavours to sow among the people false scandals
" and imputations, to blemish and disgrace the proceed-
" ings of the parliament;" all or any of which did we know of, we should be as ready to remedy and punish, as you to complain of; that the prayers of your petition are grounded upon such premises as we must in nowise admit; yet notwithstanding we are pleased to give this answer to you.—To the first, concerning religion, consisting of several branches, we say, that for the preserving the peace and safety of the kingdom from the designs of the popish party, we have, and will still concur with all the just desires of our people in a parliamentary way. That for the depriving the bishops of their votes in parliament, we would have you consider, that their right is grounded upon the fundamental law of the kingdom, and constitution of parliament. This we would have you consider: but since you desire our concurrence herein in a parliamentary way, we will give no farther answer at this time. As for the abridging of the inordinate power of the clergy, we conceive that the taking away the high-commission-court hath well moderated that; but if there continue any usurpations or excesses in their jurisdictions, we therein neither have nor will protect them. Unto that clause which concerneth corruptions (as you stile them) in religion, in church-government, and in discipline, and the removing of such unnecessary ceremonies as weak consciences might check at: that for any illegal innovations which may have crept in, we shall willingly concur in the removal of them. That if our parliament shall advise us to call a national synod which may duly examine such ceremonies as give just cause of offence to any, we shall take it into consideration, and apply ourself to give due satisfaction therein. But we are very sorry to hear

in such general terms corruption in religion objected, since we are persuaded in our conscience, that no church can be found upon the earth that professeth the true religion with more purity of doctrine than the church of England doth, nor where the government and discipline are jointly more beautified and free from superstition than as they are here established by law : which (by the grace of God) we will with constancy maintain, while we live, in their purity and glory, not only against all invasions of popery, but also from the irreverence of those many schismatics and separatists wherewith of late this kingdom and this city abounds, to the great dishonour and hazard both of church and state; for the suppression of whom we require your timely and active assistance. To the second prayer of the petition, concerning the removal and choice of counsellors, we know not any of our council to whom the character set forth in the petition can belong. That by those whom we had exposed to trial, we have already given you sufficient testimony, that there is no man so near unto us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge and sufficient proofs against him; and of this we do again assure you; but in the mean time we wish you to forbear such general aspersions as may reflect upon all our council, since you name none in particular. That for the choice of our counsellors and ministers of state, it were to debar us that natural liberty all free-men have: and as it is the undoubted right of the crown of England to call such persons to our secret councils, to public employment, and our particular service, as we shall think fit; so we are and ever shall be very careful to make election of such persons in those places of trust, as shall have given good testimonies of their abilities and integrity, and against whom there can be no just cause of exception, whereon reasonably to ground a diffidence; and to choices of this nature we assure you that the mediation of the nearest unto us hath always concurred.

To the third prayer of your petition, concerning Ireland, we understand your desire, of not alienating the forfeited lands thereof, to proceed from your much
care

are and love, and likewise that it may be a resolution very fit for us to take : but whether it be seasonable to declare resolutions of that nature before the events of a war be seen, that we much doubt of. Howsoever, we cannot but thank you for this care, and your chearful engagement for the suppression of that rebellion ; upon the speedy effecting whereof, the glory of God in the protestant profession, the safety of the British there, our honour and that of the nation so much depends. All the interests of this kingdom being so involved in that business, we cannot but quicken your affections therein, and shall desire you to frame your counsels, and to give such expedition to the work, as the nature thereof and the pressures in point of time require, and whereof you are put in mind by the daily insolence and increase of those rebels.

For conclusion, your promise to apply yourselves to such courses as may support our royalestate with honour and plenty at home, and with power and reputation abroad, is that which we have ever promised ourself both from your loyalties and affections, and also for what we have already done, and shall daily go adding unto, for the comfort and happiness of our people.

His Majesty's declaration to all his loving subjects, published with the advice of his privy council.

Although we do not believe that our house of commons intended by their remonstrance of the state of the kingdom to put us to any apology either for our past or present actions ; notwithstanding, since they have thought it so very necessary (upon their observation of the present distemper) to publish the same, for the satisfaction of all our loving subjects, we have thought it very suitable to the duty of our place, (with which God hath trusted us) to do our part to so good a work : in which we shall not think it below our kingly dignity to descend to any particular which may compose and settle the affections of our meanest subjects, since we are so conscious to ourself of such upright intentions and endeavours, and only of such, (for which we give God thanks) for the peace and happiness of our kingdom, in which the prosperity of our subjects must

be included, that we wish from our heart that even our most secret thoughts were published to their view and examination. Though we must confess we cannot but be very sorry in this conjuncture of time (when the unhappiness of this kingdom is so generally understood abroad) there should be such a necessity of publishing so many particulars, from which we pray no inconveniences may ensue that were not intended. We shall in few words pass over that part of the narrative, wherein the misfortunes of this kingdom from our first entering to the crown to the beginning of this parliament are remembered in so sensible expressions: and that other which acknowledgeth the many good laws passed by our grace and favour this parliament, for the security of our people; of which we shall only say thus much, that as we have not refused to pass any bill presented to us by our parliament for redress of those grievances mentioned in the remonstrance, so we have not had a greater motive for the passing those laws than our own resolution (grounded upon our observation and understanding the state of our kingdom) to have freed our subjects for the future from those pressures which were grievous to them, if those laws had not been propounded, which therefore we shall as inviolably maintain as we look to have our own rights preserved, not doubting but all our loving subjects will look on those remedies with that full gratitude and affection, that even the memory of what they have formerly undergone by the accidents and necessities of those times will not be unpleasant to them: and possibly in a pious sense of God's blessing upon this nation (how little share soever we shall have of the acknowledgement) they will confess they have enjoyed a great measure of happiness (even these last sixteen years) both in peace and plenty, not only comparatively in respect of their neighbours, but even of those times which were justly accounted fortunate. The fears and jealousies which may make some impression in the minds of our people we will suppose may be of two sorts: either for religion, or liberty and their civil interests. The fears for religion may haply be, not only as ours here established may be invaded by the *Romish* party, but as it is accompanied with some ceremonies,

monies, at which some tender consciences really are or pretend to be scandalized; for of any other, which have been used without any legal warrant or injunction, and already are or speedily may be abolished, we shall not speak. Concerning religion, as there may be any suspicion of favour or inclination to the papists, we are willing to declare to all the world, that as we have been from our childhood brought up in, and practised the religion now established in this kingdom, so it is well known, we have (not contented simply with the principles of our education) given a good proportion of our time and pains to the examination of the grounds of this religion, as it is different from that of Rome; and are from our soul so fully satisfied and assured that it is the most pure and agreeable to the sacred word of God of any religion now practised in the christian world, that as we believe we can maintain the same by unanswerable reasons, so we hope we should readily seal to it by the effusion of our blood, if it pleased God to call us to that sacrifice. And therefore nothing can be so acceptable unto us as any proposition which may contribute to the advancement of it here, or the propagation of it abroad, being the only means to draw down a blessing from God upon ourselves and this nation. And we have been extremely unfortunate, if this profession of ours be wanting to our people: our constant practice in our own person having always been (without ostentation) as much to the evidence of our care and duty herein, as we could possibly tell how to express. For differences amongst ourselves for matters indifferent in their own nature concerning religion, we shall, in tenderness to any number of our loving subjects, very willingly comply with the advice of our parliament, that some law may be made for the exemption of tender consciences from punishment or prosecution for such ceremonies, and in such cases, which by the judgment of most men are held to be matters indifferent, and of some to be absolutely unlawful. Provided that this case be attempted and pursued with that modesty, temper, and submission, that in the mean time the peace and quiet of the kingdom be not disturbed, the decency and comeliness of God's service discountenanced, nor the

pious, sober, and devout actions of those reverend persons who were the first labourers in the blessed reformation, or of that time, be scandalized and defamed. For we cannot without grief of heart, and without some tax upon ourself and our ministers for the not execution of our laws, look upon the bold licence of some men, in printing of pamphlets, in preaching and printing of sermons, so full of bitterness and malice against the present government, against the laws established, so full of sedition against ourself and the peace of the kingdom, that we are many times amazed to consider by what eyes these things are seen, and by what ears they are heard. And therefore we have good cause to command, as we have done, and hereby do, all our judges and ministers of justice, our attorney and solicitor general, and the rest of our learned council, to proceed with all speed against such and their abettors, who either by writing or words have so boldly and maliciously violated the laws, disturbed the peace of the commonwealth, and, as much as in them lies, shaken the very foundation upon which that peace and happiness is founded and constituted. And we doubt not but all our loving subjects will be very sensible that this busy, virulent demeanor, is a fit prologue to nothing but confusion; and if not very seasonably punished and prevented, will not only be a blemish to that wholesome accommodation we intend, but an unspeakable scandal and imputation even upon the profession and religion of this our kingdom of England. Concerning the civil liberties and interest of our subjects we shall need to say the less, having erected so many lasting monuments of our princely and fatherly care of our people in those many excellent laws passed by us this parliament, which in truth (with very much content to ourself) we conceive to be so large and ample, that very many sober men have very little left to wish for. We understood well the right and pretences of right we departed from in the consenting to the bills of the triennial parliament, for the continuance of this present parliament, and in the preamble to the bill of tonnage and poundage; the matter of which having begot so many disturbances in late parliaments, we were willing to remove, that no
interest

interest of ours might hereafter break that correspondence, abundantly contenting ourself with an assurance (which we still have) that we should be repaired and supplied by a just proportion of confidence, bounty, and obedience of our people. In the bills for the taking away the high-commission and star-chamber courts we believed we had given that real satisfaction, that all jealousies and apprehensions of arbitrary pressures under the civil or ecclesiastical state would easily have been abandoned, especially when they saw all possible doubts secured by the visitation of a triennial parliament. These, and others of no mean consideration, we had rather should be valued in the hearts and affections of our people, than in any mention of our own; not doubting but as we have taken all these occasions to render their condition most comfortable and happy, so they will always, in a grateful and dutiful relation, be ready with equal tenderness and alacrity to advance our rights and preserve our honour, upon which their own security and subsistence so much depends. And we will be so careful, that no particular shall be presented unto us for the compleating and establishing that security, to which we will not with the same readiness contribute our best assistance. If these resolutions be the effects of our present councils, (and we take God to witness that they are such, and that all our loving subjects may confidently expect the benefit of them from us) certainly no ill design upon the publick can accompany such resolutions, neither will there be great cause of suspicion of any persons preferred by us to degrees of honour, and places of trust and employment since this parliament. And we must confess, that amongst our misfortunes we reckon it not the least, that having not retained in our service, nor protected any one person against whom our parliament hath excepted during the whole sitting of it, and having in all that time scarce vouchsafed to any man an instance of our grace and favour, but to such who were under some eminent character of estimation amongst our people, there should so soon be any misunderstanding or jealousy of their fidelity and uprightness, especially in a time when we take all occasions to declare, that we conceive ourself only capable of

being served by honest men, and in honest ways. However, if in truth we have been mistaken in such our election, the particular shall be no sooner discovered to us, either by our own observation, or other certain information, than we will leave them to publick justice under the marks of our displeasure. If notwithstanding this any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their country to their own sinister ends and ambitions, under what pretence of religion and conscience soever; if they shall endeavour to lessen our reputation and interest, and to weaken our lawful power and authority with our good subjects; if they shall go about, by discountenancing the present laws, to loosen the bonds of government, that all disorder and confusion may break in upon us; we doubt not but God in his good time will discover them unto us, and the wisdom and courage of our high court of parliament join with us in their suppression and punishment. Having now said all that we can to express the clearness and uprightness of our intentions to our people, and done all we can to manifest those intentions, we cannot but confidently believe all our good subjects will acknowledge our part to be fully performed, both in deeds past and present resolutions, to do whatsoever with justice may be required of us, and that their quiet and prosperity depends now wholly upon themselves, and is in their own power, by yielding all obedience and due reverence to the law, which is the inheritance of every subject, and the only security he can have for his life, liberty or estate, and the which being neglected or disesteemed (under what specious shews soever) a great measure of infelicity, if not an irreparable confusion, must without doubt fall upon them. And we doubt not it will be the most acceptable declaration a king can make to his subjects, that for our part we are resolved not only duly to observe the laws ourself, but to maintain them against what opposition soever, though with the hazard of our being. And our hope is, that not only the loyalty and good affections of all our loving subjects will concur with us in the constant preserving a good understanding between us and our people, but at this time their own and our interest, and compassion of the
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the lamentable condition of our poor protestant subjects in Ireland, will invite them to a fair intelligence and unity amongst themselves; that so we may with one heart intend the relieving and recovering that unhappy kingdom, where those barbarous rebels practise such inhumane and unheard of outrages upon our miserable people, that no christian ear can hear without horror, nor story parallel. And as we look upon this as the greatest affliction it hath pleased God to lay upon us; so our unhappiness is increased, in that by the distempers at home so early remedies have not been applied to those growing evils, as the expectation and necessity there requires: though for our part, as we did upon the first notice acquaint our parliament of Scotland (where we then were) with that rebellion, requiring their aid and assistance, and gave like speedy intimation and recommendation to our parliament here; so since our return hither, we have been forward to all things which have been proposed to us towards that work, and have lately ourself offered (by a message to our house of peers, and communicated to our house of commons) to take upon us the care to raise speedily ten thousand English volunteers for that service, if the house of commons shall declare that they will pay them. Which particulars we are (in a manner) necessitated to publish, since we are informed that the malice of some persons hath whispered it abroad, that the not speedier advancing of this business hath proceeded from some want of alacrity in us to this great work; whereas we acknowledge it a high crime against Almighty God, and inexcusable to our good subjects of our three kingdoms, if we did not to the utmost employ all our powers and faculties to the speediest and most effectual assistance and protection of that distressed people. And we shall now conjure all our good subjects (of what degree soever) by all the bonds of love, duty, or obedience, that are precious to good men, to join with us for the recovery of the peace of that kingdom, and the preservation of the peace of this; to remove all their doubts and fears, which may interrupt their affection to us, and all their jealousies and apprehensions, which may lessen their charity to each other: and then

(if the sins of this nation have not prepared an inevitable judgment for us all) God will yet make us a great and a glorious king over a free and happy people.

His majesty's answer to the nineteen propositions of both houses of parliament.

BEfore we shall give you our answer to your petition and propositions, we shall tell you, that we are now clearly satisfied why the method which we traced out to you by our message of the 20th of January, and have since so often pressed upon you, as the proper way to compose the distractions of this kingdom, and render it truly happy, hath been hitherto declined, and is at length thought fit to be looked upon; we now see plainly (and desire that you and all other our good subjects should do so too) that the cabalists of this business have with great prudence reserved themselves, until due preparations should be made for their design. If they had unseasonably vented such propositions as the wisdom and modesty of your predecessors never thought fit to offer to any of our progenitors, nor we in honour or regard to our regal authority (which God hath entrusted us with for the good of our people) could receive without just indignation, (and such many of your present propositions are) their hopes would soon have been blasted, and those persons to whom offices, honours, power, and commands were designed, by such ill timing of their business would have failed of their expectation, not without a brand upon the attempt. Therefore before any of this nature should appear, they have (certainly with great wisdom in the conduct of it) thought fit to remove a troublesome rub in their way, the law; to this end, (that they might undermine the very foundations of it) a new power hath been assumed to interpret and declare laws without us by extemporary votes, without any case judicially before any either house, (which is in effect the same thing as to make laws without us;) orders and ordinances made only by both houses (tending to a pure arbitrary power) were pressed upon the people as laws, and their obedience required to them. Their next step was, to erect an upstart authority without us, (in whom, and only in whom, the laws of this realm

have

have placed that power) to command the militia, (very considerable to this their design.) In further order to to it they have wrested from us our magazine and town of Hull, and bestrid sir John Hotham in his bold-faced treason: they have prepared and directed to the people unprecedented invectives against our government, thereby (as much as lay in their power) to weaken our just authority and due esteem among them: they have as injuriously as presumptuously (though we conceive by this time impudence itself is ashamed of it) attempted to cast upon us aspersions of an unheard-of nature, as if we had favoured a rebellion in our own bowels: they have likewise broached new doctrine, "that we are "obliged to pass all laws that shall be offered to us by "both houses:" (howsoever our own judgment and conscience shall be unsatisfied with them) a point of policy as proper for their present business, as destructive to all our rights of parliament; and so with strange shamelessness will forget a clause in a law still in force, made in the second year of king H. 5th, wherein both houses of parliament do acknowledge, "That it is of "the king's regality to grant or deny such of their petitions as pleaseth himself:" they have interpreted our necessary guard, legally assembled for the defence of us and our childrens persons against a traitor in open rebellion against us, to be "with intent to levy war "against our parliament," (the thought whereof our very soul abhorreth) thereby to render us odious to our people. They have so awed our good subjects with pursuivants, long chargeable attendance, heavy censures, and illegal imprisonments, that few of them durst offer to present their tenderness of our sufferings, their own just grievances, and their sense of those violations of the law, (the birthright of every subject of this kingdom) though in an humble petition directed to both houses; and if any did, it was stifled in the birth, called sedition, and burnt by the common hangman. They have restrained the attendance of our ordinary and necessary household-servants, and seized upon those small sums of money which our credit had provided to buy us bread, with injunctions that none shall be suffered to be conveyed or returned to us to York, or any of our peers or servants

servants with us; so that (in effect) they have blocked us up in that county. They have filled the ears of the people with the noise of fears and jealousies, (though taken up upon trust) tales of skippers, salt-fleets, and such like; by which alarms they might prepare them to receive such impressions as might best advance this design when it should be ripe. And now it seems they think we are sufficiently prepared for these bitter pills, we are in a handsome posture to receive these humble desires, (which probably are intended to make way for a super-
 fætation of a yet higher nature, (if we had not made this discovery to you) for they do not tell us this is all.) In them we must observe that these contrivers (the better to advance their true ends) disguised as much as they could their intents with a mixture of some things really to be approved by every honest man, others specious and popular, and some which are already granted by us: all which are cunningly twisted and mixed with those other things of their main design of ambition and private interest; in hope that at the first view every eye may not so clearly discern them in their proper colours. We would not be understood, that we intend to fix this design upon both or either house of parliament; we utterly profess against it, being most confident of the loyalty, good affections and integrity of the intentions of that great body, and knowing well that very many of both houses were absent, and many dissented from all those particulars we complain of. But we do believe, and accordingly profess to all the world, that the malignity of this design (as dangerous to the laws of this kingdom, the peace of the same, and the liberties of all our good subjects, as to ourself and our just prerogative) hath proceeded from the subtil informations, mischievous practices, and evil counsels of ambitious turbulent spirits, disaffected to God's true religion and the unity of the professors thereof, our honour and safety, and the publick peace and prosperity of our people, not without a strong influence upon the very actions of both houses. But how faulty soever others are, we shall (with God's assistance) endeavour to discharge our duty with uprightness of heart: and therefore since these propositions come to us in the name of both houses of parliament, we shall take a more particular

ticular notice of every of them. If the 1st, 2d, 3d, 4th, 5th, 9th, 10th, 15th, 16th, 19th demands had been writ, and printed in a tongue unknown to us and our people, it might have been possible we and they might have charitably believed the propositions to be such as might have been in order to the ends pretended in the petition; to wit "the establishing of our honour and safety, the
" welfare and security of our subjects and dominions,
" and the removing those jealousies and differences which
" are said to have unhappily fallen betwixt us and our
" people, and procuring both us and them a constant
" course of honour, peace, and happiness." But being read and understood by all, we cannot but assure ourself that this profession joined to these propositions will rather appear a mockery and a scorn; the demands being such, as we were unworthy of the trust reposed in us by the law, and of our descent from so many great and famous ancestors, if we could be brought to abandon that power which only can enable us to perform what we are sworn to, in protecting our people and the laws, and so assume others into it, as to divest ourself of it; although not only our present condition (which it can hardly be) were more necessitous than it is, and we were both vanquished and a prisoner, and in a worse condition than ever the most unfortunate of our predecessors have been reduced to by the most criminal of their subjects; and though the bait laid to draw us to it, and to keep our subjects from indignation at the mention of it, the promises "of a plentiful and unparalleled
" revenue," were reduced from generals (which signify nothing) to clear and certain particulars: since such a bargain would have but too great a resemblance of that of Esau's, if we should part with such flowers of our crown as are worth all the rest of the garland, and have been transmitted to us from so many ancestors, and have been found so useful and necessary for the welfare and security of our subjects, for any present necessity, or for any low and sordid considerations of wealth and gain. And therefore all men knowing that those accommodations are most easily made and most exactly observed that are grounded upon reasonable and equal conditions, we have great cause to believe that the con-
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trivers of these had no intention of settling any firm accommodation, but to increase those jealousies, and widen that division which (not by our fault) is now unhappily fallen between us and both houses. It is asked, "that all the lords and others of our privy council and "such" (we know now what you mean by *such*, but we have cause to think you mean *all*) "great officers and ministers of state, either at home or beyond the seas" (for care is taken to leave out no person or place, that our dishonour may be sure not to be bounded within this kingdom, though no subtil insinuations at such a distance can probably be believed to have been the cause of our distractions and dangers) "should be put from "our privy council, and from those offices and employments, unless they be approved by both houses of "parliament," how faithful soever we have found them to us and the publick, and how far soever they have been from offending against any law, the only rule they had, or any others ought to have, to walk by. We therefore to this part of this demand return you this answer, That we are willing to grant that they shall take a larger oath than you yourselves desire in your eleventh demand, for maintaining not of any part, but of the whole law; and we have, and do assure you, that we will be careful to make election of such persons in those places of trust, as shall have given good testimonies of their abilities and integrities, and against whom there can be no just cause of exception, whereon reasonably to ground a diffidence: that if we have or shall be mistaken in our election, we have and do assure you, that there is no man so near to us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge and sufficient proofs against him; and that we have given you (the best pledge of the effects of such a promise on our part, and the best security for the performance of their duty on theirs) a triennial parliament, the apprehension of whose justice will in all probability make them wary how they provoke it, and us wary how we choose such as by the discovery of their faults may in any degree seem to discredit our election. But that without any shadow of a fault objected, only perhaps because they follow their conscience, and pre-
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serve the established laws, and agree not in such votes, or assent not to such bills, as some persons, who have now too great an influence even upon both houses judge, or seem to judge, to be for the publick good, and as are agreeable to that new Utopia of religion and government into which they endeavour to transform this kingdom; (for we remember what names, and for what reasons, you left out in the bill offered us concerning the militia, which you had yourselves recommended in the ordinance) we will never consent to the displacing of any whom, for their former merits from, and affection to us and the publick, we have entrusted, since we conceive, that to do so would take away both from the affection of our servants, the care of our service, and the honour of our justice. And we the more wonder that it should be asked by you of us, since it appears by the twelfth demand, that yourselves count it reasonable, after the present turn is served, "that the judges and officers who are then placed may hold their places *quamdiu se bene gesserint.*" And we are resolved to be as careful of those we have chosen, as you are of those you would choose, and to remove none, till they appear to us to have otherwise behaved themselves, or shall be evicted by legal proceedings to have done so. But this demand (as unreasonable as it is) is but one link of a great chain, and but the first round of that ladder by which our just, ancient, regal power is endeavoured to be fetched down to the ground. For it appears plainly, that it is not with the persons now chosen, but with our choosing, that you are displeased: for you demand, "that the persons put into the places and employments of those who shall be removed may be approved by both houses;" which is so far (as to some it may at first sight appear) from being less than the power of nomination, that of two things (of which we will never grant either) we would sooner be content that you should nominate and we approve than you approve and we nominate; the mere nomination being so far from being any thing, that if we could do no more, we would never take the pains to do that, when we should only hazard those whom we esteemed to the scorn of a refusal, if they happened not to be agreeable not only to the judgment, but to the passion, inte-

rest or humour of the present major part of either house. Not to speak now of the great factions, animosities, and divisions which this power would introduce in both houses, between both houses, and in the several countries for the choice of persons to be sent to that place where that power was, and between the persons that were so chosen. Neither is this strange potion prescribed to us only for once, for the cure of a present, pressing, desperate disease, but for a diet to us and our posterity : It is demanded, “ that our counsellors, all chief officers, both
 “ of law and state, commanders of forts and castles, and
 “ all peers hereafter made (as to voting, without which
 “ how little is the rest ?) be approved of (that is, chosen) by them from time to time ; and rather than it
 “ should ever be left to the crown (to whom it only
 “ doth and shall belong) if any place fall void in the intermission of parliament, the major part of the approved council is to approve them.” Neither is it only demanded, that we should quit the power and right our predecessors have had of appointing persons in these places, but for counsellors we are to be restrained as well in the number as in the persons, and a power must be annexed to these places which their predecessors had not; and indeed if this power were past to them, it were not fit we should be trusted to choose those who were to be trusted as much as we. It is demanded, “ that such
 “ matters as concern the publick, and are proper for the
 “ high court of parliament, (which is our great and
 “ supreme council) may be debated, resolved, and transacted only in parliament, and not elsewhere; and
 “ such as presume to do any thing to the contrary shall
 “ be reserved to the censure and judgment of the parliament : and such other matters of state as are proper
 “ for our privy council, shall be debated and concluded
 “ by such of our nobility (though indeed, if being made
 “ by us they may not vote without the consent of both
 “ houses, we are rather to call them *your* nobility) and
 “ others, as shall be from time to time chosen for that
 “ place by approbation of both houses of parliament;
 “ and that no publick act concerning the affairs of the
 “ kingdom which are proper for our privy council, may
 “ be esteemed of any validity as proceeding from the
 “ royal

“ royal authority, unless it be done by the advice and
“ consent of the major part of our council, attested
“ under their hands.” Which demands are of that
nature, that to grant them were in effect at once to de-
pose both ourself and our posterity. These being past,
we may be waited on bare-headed; we may have our
hand kissed, the stile of majesty continued to us, and the
king’s authority, declared by both houses of parliament,
may be still the stile of your commands; we may have
have swords and maces carried before us, and please
ourselves with the sight of a crown and sceptre, (and yet
even these twigs would not long flourish, when the stock
upon which they grew were dead:) but as to true and
real power we should remain but the outside, but the
picture, but the sign of a king. We were ever willing
that our parliament should debate, resolve, and transact
such matters as are proper for them, as far as they are
proper for them: and we heartily wish, that they would
be as careful not to extend their debates and resolutions
beyond what is proper to them, that multitudes of things
punishable and causes determinable by the ordinary ju-
dicatures may not be entertained in parliament, and so
cause a long, chargeable, fruitless attendance of our
people, and (by degrees) draw to you as well all the
causes as all the faults of Westminster-hall, and divert
your proper business: that the course of law be no ways
diverted, much less disturbed, as was actually done by
the stop of the proceedings against a riot in Southwark
by order of the house of commons, in a time so riotous
and tumultuous, as much increased the danger of popular
insolencies by such a countenance to riots and discoun-
tenance of law: that you descend not to the leisure of
recommending lecturers to churches, nor ascend to the
legislative power, by commanding (the law not having
yet commanded it) that they whom you recommend be
received, although neither the parson nor bishop do ap-
prove of them; and that the refusers (according to the
course so much formerly complained of to have been
used at the council table) be not sent for to attend to
shew cause; at least that you would consider conveni-
ency, if not law, and recommend none but who are well
known to you to be orthodox, learned and moderate,

or

or at least such as have taken orders, and are not notorious depravers of the book of common-prayer ; a care which appeareth by the discourses, sermons, and persons of some recommended by you, not to have been hitherto taken, and it highly concerns both you in duty, and the commonwealth in the consequences, that it should have been taken : that neither one estate transact what is proper for two, nor two what is proper for three; and consequently, that (contrary to our declared will) our forts may not be seized, our arms may not be removed, our monies may not be stopped, our legal directions may not be countermanded by you, nor we desired to countermand them ourself, nor such entrances made upon a real war against us upon pretence of an imaginary war against you, and a chimæra of necessity. So far do you pass beyond your limits, whilst you seem by your demand to be strangely straitened within them. At least we could have wished you would have expressed what matters you meant as " fit to be transacted only in " parliament," and what you meant by " only in parliament." You have (of late) been persuaded by the new doctrines of some few, to think that proper for your debates which hath not used to be all debated within those walls, but been trusted wholly with our predecessors and us, and to transact those things which without the regal authority, since there were kings of this kingdom, were never transacted : it therefore concerns us the more that you speak out, and that both we and our people may either know the bottom of your demands, or know them to be bottomless. What concerns more the publick, and is more (indeed) proper for the high court of parliament, than the making of laws? which not only ought there to be transacted, but can be transacted no where else : but then you must admit us to be a part of the parliament, you must not (as the sense is of this part of this demand, if it have any) deny the freedom of our answer, when we have as much right to reject what we think unreasonable as you have to propose what you think convenient or necessary ; nor is it possible our answers either to bills or any other propositions should be wholly free, if we may not use the liberty of every one of you, and of every subject, and receive advice

vice (without their danger who shall give it) from any person known or unknown, sworn or unsworn, in these matters in which the manage of our vote is trusted by the law to our own judgment and conscience, which how best to inform, is (and ever shall be) left likewise to us: and most unreasonable it were that two estates proposing something to the third, that third should be bound to take no advice whether it were fit to pass, but from those two that propose it. We shall ever in these things which are trusted wholly to us by the law, not decline to hearken to the advice of our great council, and shall use to hear willingly the free debates of our privy council (whensoever we may be suffered to have them for sending for, and they shall not be terrified from that freedom by votes, and brands of malignants and enemies to the state, for advising what no law forbids to advise:) but we will retain our power of admitting no more to any council than the nature of the business requires, and of discoursing with whom we please, of what we please, and informing our understanding by debate with any persons who may be well able to inform and advise us in some particular, though their qualities, education or other abilities may not make them so fit to be of our sworn council, and not tie ourself up not to hear any more than twenty five (and those not chosen absolutely by us) out of a kingdom so replenished with judicious and experienced persons in several kinds. And tho' we shall (with the proportionable consideration due to them) always weigh the advices both of our great and privy council, yet we shall also look upon their advices as advices, not as commands or impositions; upon them as our counsellors, not as our tutors and guardians; and upon ourself as their king, not as their pupil or ward. For whatsoever of regality were by the modesty of interpretation left in us in the first part of the second demand, as to the parliament, is taken from us in the second part of the same, and placed in this new-fangled kind of counsellors, whose power is such and so expressed by it, that in all publick acts concerning the affairs of this kingdom which are proper for our privy council (for whose advice all publick acts are sometimes proper, though never necessary) they are desired to be admitted

admitted joint patentees with us in the regality, and it is not plainly expressed whether they mean us so much as a single vote in these affairs ; but it is plain they mean us no more at most than a single vote in them, and no more power than every one of the rest of our fellow-counsellors ; only leave to us, out of their respect and duty, (and that only is left of all our ancient power) a choice whether these that are thus to be joined with (or rather set over) us shall be fifteen, or twenty-five ; and great care is taken, that the oath, which these men shall take shall be such, in the framing the form of which (though sure we are not wholly unconcerned in it) we may be wholly excluded, and that wholly reserved to be agreed upon by both houses of parliament.

And to shew that no more care is taken of our safety than of our power, after so great indignities offered to us, and countenanced by those who were most obliged to resent them, after our town and fort kept from us (from which, if it were no otherwise ours than the whole kingdom is, we can no more legally be kept out than out of our whole kingdom, which sure yourselves will not deny to be treason) our arms, our goods sent away, and our money stopped from us, our guards (in which we have no other intention than to hinder the end of these things from being proportionable to their beginnings) are not only desired to be dismissed before satisfaction for the injury, punishments of the injurers, and care taken for our future security from the like ; but it is likewise desired, (and for this law is pretended, and might as well have been for the rest, which yet with some ingenuity are it seems acknowledged to be but desires of grace) that we shall not for the future raise any guards or extraordinary forces but in case of actual rebellion or invasion : which if it had been law, and so observed in the time of our famous predecessors, few of those victories which have made this nation famous in other parts could have been legally atchieved, nor could our blessed predecessor queen Elizabeth have so defended herself in 88. And if no forces must be levied till rebellions and invasions (which will not stay for the calling of parliaments, and their consent for raising

ling forces) be actual, they must undoubtedly (at least most probably) be effectual and prevalent.

And as neither care is taken for our rights, honour, nor safety as a prince, so our rights as a private person are endeavoured to be had from us ; it being asked, that it may be unlawful and punishable, not only to conclude, but even to “ treat of any marriage with any “ person for our own children, or to place governors “ about them, without consent of parliament, and in “ the intermission of those, without the consent of “ our good lords of the council ;” that we may not only be in a more despicable state than any of our predecessors, but in a meaner and viler condition than the lowest of our subjects, who value no liberty they have, more than that of the free education and marriage of their children ; from which we are asked to debar ourselves, and have the more reason to take it ill that we are so, because for our choice of a governor for our son, and of a husband for our daughter, (in which the protestant religion was our principal consideration) we conceived we had reason to expect your present thanks, and the increase of your future trusts. We suppose these demands by this time to appear such, as the demanders cannot be supposed to have any such real fear of us as hath been long pretended, they are too much in the stile, not only of equals, but of conquerors, and as little to be intended for removing of jealousies (for which end they are said to be asked, and that is not as merchants ask at first, much more than they will take, but as most necessary to effect it : which, if they be, God help this poor kingdom, and those who are in the hands of such persons whose jealousies nothing else will remove :) which indeed is such a way, as if there being differences and suits between two persons, whereof one would have from the other several parcels of his ancient land, he should propose to him by way of accommodation, that he would quit to him all those in question, with the rest of his estate, as the most necessary and effectual means to remove all those suits and differences. But we call God to witness, that as for our subjects sake these rights are vested in us, so for their sakes, as well as for our own, we are resolved not to quit them,

nor

nor to subvert (though in a parliamentary way) the ancient, equal, happy, well-poised, and never-enough commended constitution of the government of this kingdom, nor to make ourself, of a king of England, a duke of Venice, and this, of a kingdom, a republick.

There being three kinds of government amongst men, absolute monarchy, aristocracy, and democracy, and all these having their particular conveniencies and inconveniencies, the experience and wisdom of your ancestors hath so moulded this out of a mixture of these, as to give to this kingdom (as far as human prudence can provide) the conveniencies of all three, without the inconveniencies of any one, as long as the balance hangs even between the three estates, and they run jointly on in their proper channel (begetting verdure and fertility in the meadows on both sides) and the overflowing of either on either side raises no deluge or inundation. The ill of absolute monarchy is tyranny, the ill of aristocracy is faction and division, the ills of democracy are tumults, violence, and licentiousness. The good of monarchy is the uniting a nation under one head to resist invasion from abroad, and insurrection at home; the good of aristocracy is the conjunction of counsel in the ablest persons of a state for the publick benefit: the good of democracy is liberty, and the courage and industry which liberty begets.

In this kingdom the laws are jointly made by a king, by a house of peers, and by a house of commons chosen by the people, all having free votes and particular privileges. The government according to these laws is trusted to the king; power of treaties of war and peace, of making peers, of choosing officers and counsellors for state, judges for law, commanders for forts and castles, giving commissions for raising men to make war abroad, or to prevent or provide against invasions or insurrections at home, benefit of confiscations, power of pardoning, and some more of the like kind are placed in the king. And this kind of regulated monarchy having this power to preserve that authority, without which it would be disabled to preserve the laws in their force, and the subjects in their liberties and properties, is intended to draw to him such a respect and relation
from

from the great ones, as may hinder the ills of division and faction; and such a fear and reverence from the people, as may hinder tumults, violence, and licentiousness. Again, that the prince may not make use of this high and perpetual power to the hurt of those for whose good he hath it, and make use of the name of public necessity for the gain of his private favourites and followers, to the detriment of his people, the house of commons (an excellent conservator of liberty, but never intended for any share in government, or the choosing of them that should govern) is solely entrusted with the first propositions concerning the levies of monies (which is the sinews as well of peace as war) and the impeaching of those who for their own ends, though countenanced by any surreptitiously-gotten command of the king, have violated that law which he is bound (when he knows it) to protect, and to the protection of which they were bound to advise him, at least not to serve him in the contrary. And the lords being trusted with a judicatory power, are an excellent screen and bank between the prince and people, to assist each against any encroachments of the other, and by just judgments to preserve that law which ought to be the rule of every one of the three. For the better enabling them in this, beyond the examples of any of our ancestors, we were willingly contented to oblige ourself, both to call a parliament every three years, and not to dissolve it in fifty days, and for the present exigent, the better to raise money, and avoid the pressure (no less grievous to us than them) our people must have suffered by a longer continuance of so vast a charge as two great armies, and for their greater certainty of having sufficient time to remedy the inconveniencies arisen during so long an absence of parliaments, and for the punishment of the causers and ministers of them, we yielded up our right of dissolving this parliament, expecting an extraordinary moderation from it in gratitude for so unexampled a grace, and little looking that any malignant party should have been encouraged or enabled, to have persuaded them, first to countenance the injustices and indignities we have endured, and then by a new way of satisfaction for what was taken from us, to demand of

us at once to confirm what was so taken, and to give up almost all the rest. Since therefore the power legally placed in both houses is more than sufficient to prevent and restrain the power of tyranny, and without the power which is now asked from us we shall not be able to discharge that trust which is the end of monarchy; since this would be a total subversion of the fundamental laws, and that excellent constitution of this kingdom which hath made this nation so many years both famous and happy to a great degree of envy; since to the power of punishing (which is already in your hands according to law) if the power of preferring be added, we shall have nothing left for us but to look on; since the inroaching of one of these estates upon the power of the other is unhappy in the effects both to them and all the rest; since this power of at most a joint government in us with our counsellors, (or rather our guardians) will return us to the worst kind of minority, and make us despicable both at home and abroad, and beget eternal factions and dissensions (as destructive to publick happiness as war) both in the chosen, and the houses that choose them, and the people who choose the choosers; since so new a power will undoubtedly intoxicate persons who were not born to it, and beget not only divisions among them as equals, but in them contempt of us, as become an equal to them, and insolence and injustice towards our people, as now so much their inferiors, which will be the more grievous unto them, as suffering from those who were so lately of a nearer degree to themselves, and being to have redress only from those that placed them, and fearing they may be inclined to preserve what they have made both out of kindness and policy; since all great changes are extremely inconvenient, and almost infallibly beget yet greater changes, which beget yet greater inconveniences; since as great an one in the church must follow this of the kingdom; since the second estate would in all probability follow the fate of the first, and by some of the same turbulent spirits jealousies would be soon raised against them, and the like propositions for reconciliation of differences would be then sent to them as they now have joined to send to us, till (all power being vested in the house of commons, and

and their number making them incapable of transacting affairs of state with the necessary secrecy and expedition, those being re-trusted to some close committee) at last the common people (who in the mean time must be flattered, and to whom licence must be given in all their wild humours, how contrary soever to established law or their own real good) discovering this arcanum imperii, that all this was done by them, but not for them, grow weary of journey-work, and set up for themselves, call parity and independence liberty, devour that estate which had devoured the rest, destroy all rights and proprieties, all distinctions of families and merit, and by this means this splendid and excellently-distinguished form of government end in a dark equal chaos of confusion, and the long line of our many noble ancestors in a Jack Cade or a Wat Tyler. For all these reasons, to all these demands our answer is, *nolumus lege Angliæ mutari*. But this we promise, that we will be as careful of preserving the laws in what is supposed to concern wholly our subjects, as in what most concerns ourself. For indeed we profess to believe that the preservation of every law concerns us, those of obedience being not secure when those of protection are violated; and we being most of any injured in the least violation of that by which we enjoy the highest rights and greatest benefits, and are therefore obliged to defend no less by our interest than by our duty, and hope that no jealousies to the contrary shall be any longer nourished in any of our good people by the subtil insinuations and secret practices of men, who for private ends are disaffected to our honour and safety, and the peace and prosperity of our people. And to shew you that no just indignation at so reproachful offers shall make us refuse to grant what is probable to conduce to the good of our good people, because of the ill company it comes in, we will search carefully in this heap of unreasonable demands for so much as we may (complying with our conscience and the duty of our trust) assent unto, and shall accordingly agree to it. In pursuance of which search, in the fourth proposition, under a demand which would take from us that trust which God, nature, and the laws of the land have placed in us, and of which none of you could

endure to be deprived, we find something to which we give this answer; that we have committed the principal places about our children to persons of quality, integrity, and piety, with special regard that their tender years might be so seasoned with the principles of the true protestant religion, as (by the blessing of God upon this our care) this whole kingdom may in due time reap the fruit thereof. And as we have likewise been very careful in the choice of servants about them, that none of them may be such as by ill principles or by ill examples to cross our endeavours for their pious and virtuous education; so if there shall be found (for all our care to prevent it) any person about our children (or about us, which is more than you ask) against whom both houses shall make appear to us any just exception, we shall not only remove them, but thank you for the information: only we shall expect, that you shall be likewise careful that there be no underhand dealing by any to seek faults, to make room for others to succeed in their places. For the fifth demand, as we will not suffer any to share with us in our power of treaties, which are most improper for parliaments, and least in those treaties in which we are nearest concerned, not only as a king, but as a father; yet we do (such is our desire to give all reasonable satisfaction) assure you by the word of a king, that we shall never propose or entertain any treaty whatsoever for the marriage of any of our children, without due regard to the true protestant profession, the good of our kingdoms, and the honour of our family. For the sixth demand, concerning "the laws in force against jesuits, " priests, and popish recusants," we have by many of our messages to you, by our voluntary promise to you, so solemnly made, never to pardon any popish priest, by our strict proclamations lately published in this point, and by the publick examples which we have made in that case since our residence at York, and before at London, sufficiently expressed our zeal herein. Why do you then ask that in which our own inclination hath prevented you? and if you can yet find any more effectual course to disable them from disturbing the state, or eluding the law by trusts or otherwise, we shall willingly give our consent to it. For the seventh, concerning the votes
of

of popish lords, we understand that they in discretion have withdrawn themselves from the service of the house of peers, (and had done so when use was publicly made of their names to asperse the votes of that house, which was then counted as malignant as those who are called our unknown and unsworn counsellors are now.) Neither do we conceive that such a positive law against the votes of any whose blood gives them that right, is so proper in regard of the privilege of parliament; but are content, that so long as they shall not be conformable to the doctrine and discipline of the church of England, they shall not be admitted to sit in the house of peers, but only to give their proxies to such protestant lords as they shall choose, who are to dispose of them, as they themselves shall think fit, without any reference at all to the giver. As to the desires for "a bill for the education of the children of papists by protestants in the protestant profession," many about us, can witness with us, that we have often delivered our opinion, that such a course (with God's blessing upon it) would be the most effectual for the rooting out of popery out of this kingdom; we shall therefore thank you for it, and encourage you in it; and when it comes unto us, do our duty: and we heartily wish, for the publick good, that the time you have spent in making ordinances without us, had been employed in preparing this and other good bills for us. For the eighth, touching the "reformation to be made of the church-government and liturgy," we had hoped, that what we had formerly declared concerning the same had been so sufficiently understood by you and all good subjects, that we should not need to have expressed ourself further in it. We told you in our answers to your petition presented to us at Hampton-court the first of December, "that for any illegal innovations which may have crept in, we should willingly concur in the removal of them; that if our parliament should advise us to call a national synod, which may duly examine such ceremonies as give just cause of offence to any, we should take it into consideration, and apply ourself to give due satisfaction therein; that we were persuaded in our conscience, that no church could be found upon the earth, that professed the true re-

"ligion with more purity of doctrine than the church
 "of England doth, nor where the government and
 "discipline are jointly more beautified, and free from
 "superstition, than as they are here established by law;
 "which (by the grace of God) we will with constancy
 "maintain (while we live) in their purity and glory,
 "not only against all invasions of popery, but also from
 "the irreverence of those many schismaticks and sepa-
 "ratists wherewith of late this kingdom and our city
 "of London abounds, to the great dishonour and ha-
 "zard both of church and state; for the suppression of
 "whom we required your timely and active assistance."
 We told you in our first declaration, printed by the ad-
 vice of our privy council, "that for differences amongst
 "ourselves for matters indifferent in their own nature
 "concerning religion, we should in tenderness to any
 "number of our loving subjects very willingly comply
 "with the advice of our parliament, that some law might
 "be made for the exemption of tender consciences from
 "punishment or prosecution for such ceremonies, and
 "in such cases, which by the judgment of most men
 "are held to be matters indifferent, and of some to be
 "absolutely unlawful: provided, that this case should
 "be attempted and pursued with that modesty, temper,
 "and submission, that in the mean time the peace and
 "quiet of the kingdom be not disturbed, the decency
 "and comeliness of God's service discountenanced, nor
 "the pious, sober, devout actions of those reverend per-
 "sons who were the first labourers in the blessed refor-
 "mation, or of that time, be scandalled and defamed."
 And we heartily wish, that others whom it concerned
 had been as ready (as their duty bound them, though
 they had not received it from us) to have pursued this
 caution as we were, and still are willing and ready to
 make good every particular of that promise. Nor did
 we only appear willing to join in so good a work when
 it should be brought us, but prest and urged you to it
 by our message of the fourteenth of February in these
 words; "and because his majesty observes great and
 "different troubles to arise in the hearts of his people
 "concerning the government and liturgy of the church,
 "his majesty is willing to declare, that he will refer the
 "whole

“ whole consideration to the wisdom of his parliament,
“ which he desires them to enter into speedily, that the
“ present distractions about the same may be composed;
“ but desires not to be pressed to any single act on his
“ part, till the whole be so digested and settled by both
“ houses, that his majesty may clearly see what is fit to
“ be left, as well as what is fit to be taken away.” Of
which we the more hoped of a good success to the ge-
neral satisfaction of our people, because you seem in this
proposition to desire but a reformation, and not (as is
daily preached for as necessary in those many conven-
ticles which have within these nineteen months begun to
swarm, and which, though their leaders differ from you
in this opinion, yet appear to many as countenanced by
you, by not being punished by you; few else, by reason
of the order of the house of commons of the 9th of
September, daring to do it) a destruction of the present
discipline and liturgy. And we shall most cheerfully
“ give our best assistance for raising a sufficient main-
“ tenance for preaching ministers,” in such course as
shall be most for the encouragement and advancement of
piety and learning. For the bills you mention, and the
consultation you intimate, knowing nothing of the par-
ticular matters of the one (though we like the titles well)
nor of the manner of the other, but from an informer
(to whom we give little credit, and we wish no man did
more) common fame, we can say nothing till we see them.
For the eleventh, we would not have the oath of all
privy counsellors and judges straitened to particular
statutes of one or two particular parliaments, but extend
to all statutes of all parliaments, and the whole law of
the land; and shall willingly consent “ that an enquiry
“ of all the breaches and violations of the law may be
“ given in charge by the justices of the king’s bench
“ every term, and by the judges of assize in their circuits,
“ and justices of peace at the sessions, to be presented
“ and punished according to law.” For the seventeenth,
we shall ever be most ready, (and we are sorry it should
be thought needful to move us to it) not only to join with
any (particularly with the states of the United Provinces,
of which we have given a late proof in the match of
our daughter) “ for the defence and maintenance of

“ the protestant religion, against all designs and attempts of the pope and his adherents ;” but singly (if need were) to oppose with our life and fortune, all such designs in all other nations, were they joined : and that for considerations of conscience, far more than any temporal end of obtaining access of strength and reputation, or any natural end “ of restoring our royal sister “ and her princely issue to their dignities and dominions ;” though these be likewise much considered by us. For the eighteenth, it was not our fault that an act was not passed to clear the lord Kimbolton and the five members of the house of commons, but yours, who inserted such clauses into both the preamble and act (perhaps persuaded to it by some who wish not that you should in any thing receive satisfaction from us) as by passing the preamble we must have wounded our honour against our conscience, and by another clause have admitted a consequence from which we could never have been secured, by declaring, “ that no member of either “ house, upon any accusation of treason, could have his “ person seized without the consent of that house of “ which he is a member,” though the known law be, “ that privilege of parliament extends not to treason,” and if it did, any member (the house being for a short time adjourned, and so their consent not being so had) how treasonable soever his intentions were, how clearly soever known, and how suddenly soever to be executed, must have fair leave given him to go on and pursue them ; no way, how legal soever, after the passing such a clause, being left to prevent it. To conclude, we conjure you and all men to rest satisfied with the truth of our professions, and the reality of our intentions ; not to ask such things as deny themselves ; that you declare against tumults, and punish the authors ; that you allow us our propriety in our towns, arms, and goods, and our share in the legislative power, which would be counted in us not only breach of privilege, but tyranny and subversion of parliaments to deny to you : and when you shall have given us satisfaction upon those persons who have taken away the one, and recalled those declarations (particularly that of the 26th of May, and those in the point of the militia, our just rights wherein we will

no more part with than with our crown, lest we enable others by them to take that from us) which would take away the other, and declined the beginnings of a war against us under pretence of our intention of making one against you; as we have never opposed the first part of the thirteenth demand, so we shall be ready to concur with you in the latter. And being then confident that the credit of those men who desire a general combustion will be so weakened with you, that they will not be able to do this kingdom any more harm, we shall be willing to grant our general pardon, with such exceptions as shall be thought fit, and shall receive much more joy in the hope of a full and constant happiness of our people in the true religion, and under the protection of the law, by a blessed union between us and our parliament (so much desired by us) than in any such increase of our own revenue (how much soever beyond former grants) as (when our subjects were wealthiest) our parliament could have settled upon us.

His Majesty's declaration, made the 13th of June 1642, to the lords attending his Majesty at York, and to others of his Majesty's privy council there.

CHARLES R.

WE do declare, that we will not require nor exact any obedience from you, but what shall be warranted by the known law of the land; as we do expect, that you shall not yield to any commands not legally grounded, or imposed by any other. And we do further declare, that we will defend every one of you, and all such as shall refuse any such commands, whether they proceed from votes and orders of both houses, or any other way, from all dangers and hazards whatsoever. And we do further declare, that we will defend the true protestant religion established by the law of the land, the lawful liberties of the subjects of England, and just privileges of all the three estates of parliament: and shall require no further obedience from you, than as accordingly we shall perform the same. And we do declare, that we will not (as is falsely pretended) engage you, or any of you, in any war against the parliament, except it be for our necessary

defence against such as do insolently invade or attempt against us or such as shall adhere to us.

York, 13 Junii, 1642.

His Majesty's declaration to all his loving subjects, occasioned by a false and scandalous imputation laid upon his Majesty, of an intention of raising or levying war against his parliament, and of having raised force to that end. Published at his court at York, the 16th day of June.

THough we have these last seven months met with so many several encounters of strange and unusual declarations, under the names of both our houses of parliament, that we should not be amazed at any new prodigy of that kind; and though their last of the six and twentieth of May gave us a fair warning, that the contrivers of it having spent all their stock of bitter and reproachful language upon us, we were to expect they should now break out into some bold and disloyal actions against us, and having by that declaration (as far as in them lies) divested us of that pre-eminence and authority which God, the law, the custom and consent of this nation had placed in us, and assumed it to themselves, that they should likewise with expedition put forth the fruits of that supreme power for the violating and suppressing that power they despised, (an effect of which resolution their wild declaration against our proclamation concerning the pretended ordinance for the militia, and the punishing of the proclaimers, appears to be :) yet we must confess, in their last attempt (we speak of the last we know, they may probably since, or at this present, have outdone that too) they have outdone what we conceive was their present intention; and whosoever hears of propositions and orders for bringing in of money or plate to maintain horse, horsemen and arms, for the preservation of the public peace, or for the defence of the king and both houses of parliament, (such is their declaration, or what else they please to call it, of the tenth of June) will surely believe the peace of this kingdom to be extremely shaken, and at least the king himself to be consulted with, and privy to these propositions. But we hope that when our good
subjects

subjects shall find, that this goodly pretence of the defence of the king is but a specious bait to seduce weak and inconsiderate men into the highest acts of disobedience and disloyalty against us, and of violence and destruction upon the laws and constitutions of the kingdom, they will no longer be captivated by an implicit reverence to the name of both houses of parliament, but will carefully examine and consider what number of persons are present, and what persons are prevalent in those consultations, and how the debates are probably managed, from whence such horrid and monstrous conclusions do result; and will, at least, weigh the reputation, wisdom, and affection of those who are notoriously known, out of the very horror of their proceedings, to have withdrawn themselves, or by their skill and violence to be driven from them and their counsels. Whilst their fears and jealousies did arise, or were infused into the people from discourses of the rebels in Ireland, of skippers at Rotterdam, of forces from Denmark, France, or Spain, how improbable and ridiculous soever that bundle of informations appeared to all wise and knowing men, it is no wonder if the easiness to deceive, and the willingness to be deceived did prevail over many of our weak subjects, to believe that the danger they did not see might proceed from causes which they did not understand; but for them to declare to all the world, that we intend to make war against our parliament, (whilst we sit still, complaining to God Almighty of the injury offered to us and to the very being of parliaments) and that we have already begun actually to levy forces both of horse and foot, (whilst we have only, in a legal way, provided a smaller guard for the security of our own person so near a rebellion at Hull, than they have had, without lawful authority; above these eight months upon imaginary and impossible dangers) to impose upon our people's sense as well as their understanding, by telling them we are doing that which they see we are not doing, and intending that they all know (as much as intentions can be known) we are not intending, is a boldness agreeable to no power, but the omnipotency of those votes, whose absolute supremacy hath almost brought confusion upon king and

people, and against which no knowledge in matter of fact, or consent and authority in matter of law, they will endure shall be opposed. We have upon all occasions with all possible expressions professed our fast and unshaken resolutions for peace. And we do again (in the presence of Almighty God our Maker and Redeemer) assure the world, that we have no more thought of making a war against our parliament than against our own children; that we will maintain and observe the acts assented to by us this parliament without violation, (of which that for the frequent assembling of parliaments is one;) and that we have not, or shall not have any thought of using any force, unless we shall be driven to it for the security of our person, and for the defence of the religion, laws, and liberty of the kingdom, and the just rights and privileges of parliament. And therefore we hope the malignant party, who have so much despised our person and usurped our office, shall not by their specious fraudulent insinuations prevail with our good subjects to give credit to their wicked assertions, and so to contribute their power and assistance for the ruin and destruction of us and themselves. For our guard about our person (which not so much their example as their provocation enforced us to take) it is known, it consists of the prime gentry (in fortune and reputation) of this county, and of one regiment of our trained bands, who have been so far from offering any affronts, injuries, or disturbance to any of our good subjects, that their principal end is to prevent such, and so may be security, can be no grievance to our people. That some ill-affected persons, or any persons, have been employed in other parts to raise troops under colour of our service, or have made large (or any) offers of reward and preferment to such as will come in, is, for ought we know, and as we believe, an untruth devised by the contrivers of this false rumour; we disavow it, and are confident there will be no need of such art or industry to induce our loving subjects, when they shall see us oppressed, and their liberties and laws confounded (and till then we shall not call on them) to come in to us and to assist us. For the delinquents whom we are said with a high and forcible hand

hand to protect, let them be named, and their delinquency, and if we give not satisfaction to justice, when we shall have received satisfaction concerning Sir John Hotham, by his legal trial, then let us be blamed. But if the design be (as it is well known to be) after we have been driven by force from our city of London, and kept by force from our town of Hull, to protect all those who are delinquents against us, and to make all those delinquents who attend on us or execute our lawful commands, we have great reason to be satisfied in the truth and justice of such accusation, lest to be our servant and to be a delinquent grow to be terms so convertible, that in a short time we be left as naked in attendance as they would have us in power, and so compel us to be waited on only by such whom they shall appoint and allow, and in whose presence we should be more miserably alone than in desolation itself. And if the seditious contrivers and fomenters of this scandal upon us shall have (as they have had) the power to mislead the major part present of either or both houses, to make such orders and send such messages and messengers as they have lately done, for the apprehension of the great earls and barons of England, as if they were rogues or felons, and whereby persons of honour and quality are made delinquents merely for attending upon us, and upon our summons, whilst other men are forbid to come near us (though obliged by the duty of their places and oaths) upon our lawful commands; it is no wonder if such messengers are not very well entreated, and such orders not obeyed; neither can there be a surer and cunninger way found out to render the authority of both houses scorned and vilified, than to assume to themselves (merely upon the authority of the name of parliament) a power monstrous to all understandings, and to do actions and to make orders evidently and demonstrably contrary to all known law and reason (as to take up arms against us, under colour of defending us; to cause money to be brought into them, and to forbid our own money to be paid to us or to our use, under colour that we will employ it ill; to beat us and starve us for our own good, and by our own power and authority) which must in short make the greatest

court and the greatest person cheap and of no estimation. Who those sensible men are of the publick calamities, of the violations of the privileges of parliament, and the common liberty of the subject, who have been baffled and injured by malignant men and cavaliers about us, we cannot imagine; and if those cavaliers are so much without the fear of God and man, and so ready to commit all manner of outrage and violence as is pretended, our government ought to be the more esteemed, which hath kept them from doing so, insomuch as we believe no person hath cause to complain of any injury or of any damage in the least degree by any man about, or who hath offered his service to us. All which being duly considered, if the contrivers of these propositions and orders had been truly sensible of the obligation which lies upon them in honour, conscience, and duty, according to the high trust reposed in them by us and our people, they would not have published such a sense and apprehension of imminent danger, when themselves in their consciences know, that the greatest, and indeed only danger which threatens this church and state, the blessed religion and liberty of our people, is in their own desperate and seditious designs, and would not endeavour upon such weak and groundless reasons to seduce our good subjects from their affection and loyalty to us, to run themselves into actions unwarrantable, and destructive to the peace and foundation of the common wealth. And that all our loving subjects may see how causeless and groundless this scandalous rumour and imputation of our raising war upon our parliament is, we have, with this our declaration, caused to be printed the testimony of those lords and other persons of our council who are here with us, who being upon the place, could not but discover such our intentions and preparations, and cannot be suspected for their honours and their interests to combine in such mischievous and horrid resolutions. And therefore we straitly charge and command all our loving subjects upon their allegiance, and as they will answer the contrary at their peril, that they yield no obedience or consent to the said propositions and orders, and that they presume not, under any such pretences, or by colour of any such orders, to
raise

raise or levy any horse or men, or to bring in any money or plate to such purpose. But if notwithstanding this clear declaration and evidence of our intentions, these men (whose design is to compel us to raise war upon our parliament, which all their skill and malice shall never be able to effect) shall think fit by these alarms to awaken us to a more necessary care of the defence of ourself and our people, and shall themselves (under colour of defence) in so unheard-of a manner provide (and seduce others to do so too) to offend us, having given us so lively testimony of their affections what they are willing to do, when they have once made themselves able, all our good subjects will think it necessary to look to ourself : and we do then excite all our well-affected people, according to their oaths of allegiance and supremacy, and according to their solemn vow and protestation (whereby they are obliged to defend our person, honour, and estate) to contribute their best assistance to the preparations necessary for the opposing and suppressing of the traitorous attempts of such wicked and malignant persons, who would destroy our person, honour, and estate, and engage the whole kingdom in a civil war, to satisfy their own lawless fury and ambition, and so rob our good subjects of the blessed fruit of this present parliament ; which they already in some degree have, and still might reap, to the abundant satisfaction and joy of the whole kingdom, if such wicked hands were not ready to ruin all their possession, and frustrate all their hopes. We do therefore declare, That whosoever, of what degree or quality soever, shall then, upon so urgent and visible necessity of ours, and such an apparent distraction of the kingdom (caused and begotten by the malice and contrivance of this malignant party) bring in to us, and to our use, ready money or plate, or shall under-write to furnish any number of horse, horsemen and arms, for the preservation of the publick peace, the defence of our person, and the vindication of the privilege and freedom of parliament, we shall receive it as a most acceptable service, and as a testimony of his singular affection to the protestant religion, the laws, liberties, and peace of the kingdom, and shall no longer desire the continuance of
that

that affection, than we shall be ready to justify and maintain those with the hazard of our life. And we do further declare, That whosoever shall then bring in any sums of money or plate to assist us in this great extremity, shall receive consideration after the rate of eight pounds per cent. for all such monies as he shall furnish us withal, and shall, upon the payment of such money to such persons whom we shall appoint to receive the same, receive security for the same, by good lawful assurance of such of our lands, forests, parks, and houses, as shall be sufficient for the same, and more real security than the name of publick faith, given without us and against us, as if we were no part of the publick; and besides, we shall always look upon it as a service most affectionately and seasonably performed for the preservation of us and the kingdom. But we shall be much gladder that their submission to those our commands, and their desisting from any such attempts of raising horse or men, may ease all our good subjects of that trouble, charge and vexation.

His Majesty's Declaration and profession, disavowing any preparations or intentions in him to levy war against his houses of parliament.

By the K I N G.

THere having been many rumours spread, and informations given, which may have induced many to believe that we intend to make war against our parliament; we profess before God, and declare to all the world, that we always have, and do abhor all such designs, and desire all our nobility and council who are here upon the place to declare, whether they have not been witnesses of our frequent and earnest declarations and professions to this purpose; whether they see any colour of preparation or counsels that might reasonably beget a belief of any such design; and whether they be not fully persuaded that we have no such intention, but that all our endeavours, according to our many professions, tend to the firm and constant settlement of the true protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom. Given at our court at York this 15th June, 1642.

By

By the KING.

A proclamation forbidding all levies of forces without his majesty's expresse pleasure signified under his great seal, and all contributions or assistance to any such levies.

WHereas, under pretence that we intend to make war against the parliament (the contrary whereof is notoriously known to all that are here, and as we hope by this time apparent to all other our subjects, as well by our declaration of the sixteenth of June, as by the testimony of all our nobility and council who are here upon the place) and by colour of the authority of both houses of parliament, (a major part whereof are now absent from London) by the contrivance of some few evil persons, disguising and colouring their pernicious designs and hostile preparations, under the plausible names of, "the preservation of publick peace, and defence of us and both houses of parliament from force and violence," it hath been endeavoured to raise troops of horse and other forces; And for that purpose they have prevailed, not only to prohibit our own monies to be paid to us or to our use, but, by the name and authority of parliament, to excite our subjects to contribute their assistance to them, by bringing in monies, plate, or under-writing to furnish and maintain horses, horsemen and arms; and to that purpose certain propositions or orders (as they are filed by them) have been printed, whereby they have endeavoured to engage the power and authority of parliament (as if the two houses without us had that power and authority) to save harmless all those that shall so contribute from all prejudice and inconvenience that may befall them by occasion thereof. And although we well hope that these malignant persons (whose actions do now sufficiently declare their former intentions) will be able to prevail with few of our good people to contribute their power or assistance unto them; yet lest any of our subjects, taking upon trust what those men affirm without weighing the grounds of it, or the danger to us, themselves and the common wealth, which would ensue thereupon, should indeed believe (what these persons would insinuate, and have them to believe) that such
their

contribution and assistance would tend to the preservation of the publick peace, and the defence of us and both houses of parliament, and that thereby they should not incur any danger. We, that we might not be wanting (as much as in us lieth) to foreflew and to prevent the danger which may fall thereupon, have hereby thought good to declare and publish unto all our loving subjects, That by the laws of the land the power of raising of forces or arms, or levying of war for the defence of the kingdom, or otherwise, hath always belonged to us, and to us only ; and that by no power of either or both houses of parliament, or otherwise, contrary to our personal commands, any forces can be raised, or any war levied. And therefore, by the statute of the seventh year of our famous progenitor king Edward the first, whereas there had been then some variances betwixt him and some great lords of the realm, and, upon treaty thereupon, it was agreed, that in the next parliament after, provision should be made, that in all parliaments and all other assemblies which should be in the kingdom for ever, every man should come without force and armour, well and peaceably ; yet at the next parliament, when they met together to take advice of this business, (though it concerned the parliament itself) the lords and commons would not take it upon them, but answered, That it belonged to the king to defend force of armour, and all other force against the peace, at all times when it pleased him, and to punish them which should do contrary, according to the laws and usages of the realm ; and that they were bound to aid him as their sovereign lord, at all seasons when need should be. And accordingly in parliament in after times, the king alone did issue his proclamations prohibiting bearing of arms by any person in or near the city where the parliament was, excepting such of the king's servants as he should depute, or should be deputed by his commandment, and also excepting the king's ministers. And by the statute of Northampton, made in the second year of king Edward the third, it is enacted, That no man of what condition soever he be, (except the king's servants, in his presence, and his ministers in executing the king's precepts, or of their office

free, and such as be in their company assisting them) go nor ride armed by night or day in fairs, markets, nor in the presence of the justices or other ministers, nor in no part elsewhere. And this power of raising forces to be solely to the king, is so known and inseparable a right to the crown, that when, in the reign of king Henry the eighth, there being a sudden rebellion, the earl of Shrewsbury, without warrant from the king, did raise arms for the suppression thereof, and happily suppressed it, yet was he forced to obtain his pardon. And whereas the duke of Gloucester and other great lords in the 11th year of king Richard the second (upon pretence of the good of the king and kingdom, the king being then not of age, and led away, as they alledged, by evil counsellors) did raise forces, and by them mastered their adversaries; in that parliament (such as it was, for it was held and kept with force, how good use soever hath been made of the precedents therein) they procured a special act of pardon for their raising of men, and that those assemblies should not be drawn in to example for the time to come. And as no man can levy war or raise forces without the king, so much less against the personal commands of the king opposed thereunto. For by the statute of the 25th year of king Edward the third (which is but declaratory of the old law in that point) it is treason to levy war against the king in his realm: within the construction of which statute, it is true (which was said in the late declaration under the name of both houses of parliament, of the 26th of May last) levying war (in some sense) against the king's authority (though not intended against his person) is levying war against the king. And therefore the raising of forces, though upon pretence of removing of some evil counsellors from about the queen, hath been adjudged treason in the case of the late earl of Essex, in the reign of Queen Elizabeth, and in divers other cases. (And we wish all our subjects to consider whether if men shall be raised contrary to our proclamation and against our will, it be not against our authority.) But it is as true (and was never denied but in that declaration) that the raising of forces against the king's personal command (being no idiot or infant, incapable

capable of understanding to command) being accompanied with his presence, is, and is most properly levying of war against the king. For if it be a sufficient pretence for raising of men against the king's person, that it is for the defence of the king's authority, and of his kingdom (though against his express command and proclamation) the Irish rebels will have colour for their horrid rebellion : for they say (though it be notoriously false) it is for the defence of the king's authority and of his kingdom. And Wat Tyler and Jack Cade, and Kett the tanner wanted not publick pretences, which were perhaps just causes of complaints, though not of raising of men. And though these persons have gone about subtilly to distinguish betwixt our person and our authority, as if, because our authority may be where our person is not, that therefore our person may be where our authority is not. We require all our good subjects to take notice of the law (which is in print and full force) † That their allegiance is due unto the natural person of their prince, and not to his crown or kingdom distinct from his natural capacity ; and that by the oath of ligeance at the common law (which all persons above the age of twelve years are, or ought to be, sworn unto) they are bound to be true and faithful not to the king only asking, but to our person as King Charles, and to bear us truth and faith of life and member and earthly honour ; and that they shall neither know nor hear of any ill or damage intended to us that they shall not defend : and that when, in the time of king Edward the second, Hugh Spencer, being discontented with the king, caused a bill to be written, wherein was contained, amongst other things, That homage and the oath of allegiance was more by reason of the king's crown, (that is his kingdom) than of his person, and that seeing the king cannot be reformed by suit of law, if the king will not redress and put away that which is ill for the common people and hurtful to the crown, that the thing ought to be put away by force, and that his lieges be bound to govern in aid of him and in default of him ; he was condemned for it by two parliaments, and perpetually banished the kingdom.

† Coke 7 Report, Calvin's Case.

We have made mention of these cases, not so much to clear our right, that we alone have the power of raising forces, and none of our subjects, either in parliament or out of parliament, against our will or personal command (which we think no man that hath the least knowledge in our laws, and is not led away by private interests, and may speak his mind freely, will deny, nor was ever questioned in any parliament before this time) as to let them see how dangerous the effect and consequence of raising of forces without us may be unto us and to the commonwealth, under pretence of defence of both. And though we cannot doubt of the affections of our good subjects, considering their interest is involved with ours, and how precious the peace of the kingdom is, and ought to be unto them; and that, according to the words of the statute of the eleventh year of king Henry the seventh, and the eighteenth chapter, by the duty of their allegiance they are bounden to serve and assist us at all seasons when need shall require: Yet, to the end that our good subjects may know what their duty is, and what we expect from them, and that all others who, through malice or private interests, shall be transported beyond their duties, may be left without excuse: we do therefore by this our proclamation charge and command all our subjects upon their allegiance, and as they tender our honour and safety, and the peace and safety of the kingdom, that they presume not to raise or levy any horses, horsemen, or arms, or any forces whatsoever, by colour of any authority whatsoever, without our express pleasure signified under our great seal, (other than such as shall be raised, levied and impressed by the order as well of ourself as of both houses of parliament, according to an act made this sessions, intituled, "An act for the better
" raising and levying of soldiers for the present defence
" of the kingdoms of England and Ireland," by justices of peace, and otherwise, in such manner as is prescribed in the said act) or contribute, or give any assistance in money, plate, finding of horses, horsemen, or arms, or any other ways, to or for any such preparation, levy, or forces: and that such of our good subjects (who thro' ignorance have been misled to consent or subscribe to
any

any such levy, contribution or assistance) forthwith, upon publication of this our proclamation, desist from continuing such their contribution or assistance, or giving any countenance to any such levies, at their utmost perils. And we do likewise straitly charge and command as well all our sheriffs, justices of peace, mayors, bailiffs, constables, and all other our officers whatsoever, that they use their utmost endeavours as well for publishing this our proclamation, as for the suppressing of all levies, or forces raised, or to be raised, without or against our consent; as also all other our loving subjects, that they be attending, aiding and assisting our said officers and ministers therein, as they and every of them will answer it at their utmost perils.

Given at our court at York, the eighteenth day of June, in the eighteenth year of our reign, 1642.

His majesty's Declaration, in answer to a declaration of the lords and commons assembled in parliament, for the raising of all power and force, as well trained bands, &c.

AS much experience as we have had of the inveterate rancour and high insolence of the malignant party against us, we never yet saw any expression come from them so evidently declaring it as the declaration, entituled, "A declaration of the lords and commons assembled in parliament, for the raising of all power and force, as well trained bands as others, in several counties of this kingdom, to lead against all traitors and their adherents, &c." In which that faction hath, as it were, distilled and contracted all their falshood, insolence, and malice; there being in it not one period which is not either slanderous or treasonable. And nothing can more grieve us, than that by their infinite arts and subtilty (employed by their perpetual and indefatigable industry) and by that rabble of brownists and other schismaticks, declaredly ready to appear at their call, they should have been able so to draw away some, and drive away others of our good subjects from our parliament, as to prevail with the major part remaining of both houses, (how much soever that major part be the smaller in comparison of the whole) to suffer that name (whose reverence by all means we desire to preserve)

serve) to be so soiled, as to be prefixed to a paper of this unsufferable nature, that tends not only to the destruction of our person, but to the dissolution of this government and of all society: if at least this declaration (which we rather see cause to hope it hath not) have so much as been seen in the houses, and be not the single work of the same omnipotent committee to which is devolved the whole power of the parliament, and which, as we understand, is trusted (without acquainting the houses) to break up any man's house, and take away the arms and money intended to defend and feed him (if they shall see cause to suspect that he meant to assist his sovereign with them) and may well be as fully and implicitly trusted to declare as to act, whatsoever they please. And though we doubt not but to their utmost they will continue that injury to us, and that violation of the subjects liberty and of publick right, to vex and imprison thole who shall publish any of our answers to their declarations (and indeed whilst they affirm against all truth, and command against all law, it concerns them to take care that nothing be heard but what they say;) yet our comfort is, that our intentions and the duty of our subjects are so well and so generally known to our people, that we cannot fear (from whomsoever it come, and though no answer came out with it) that either what is there said should be believed, or what is there commanded should be obeyed. Who knows not that our commissions for horse and foot were not granted out till not only our prerogative, but our propriety, our goods, arms, towns, militia, and negative voice were taken from us, and all the kingdom commanded to be in arms, and invited to bring in horse, plate, and money to frame an army, against our command and proclamation, and till horse were raised and mustered accordingly; and then, with no intention (nor hath any action in any of our ministers given the least suspicion of such an intention) by them to compel our subjects to submit to our commissions of array, or make use of them against the parliament, but to regain Hull, held out in rebellion against us, and to suppress all such as without our authority and against our command shall raise forces in this our kingdom and levy war against us, under pretence of any order or ordinance

dinance of one or both houses? and such traitorous assemblies and marches have been the only lawful and necessary occasions of our good subjects, which have not been so much as interrupted by any troops of ours. And what is affirmed of the spoiling and killing them as they were so travelling under our protection, and according to law, is a most malicious affirmation, as well without truth as without instance, invented at once to make our troops terrible and us odious to our people. What care have we taken that by this means the power of the sword should not come into the hands of papists, who have by our proclamation strictly charged that no papist should presume to lift himself either as officer or soldier in this our army, having directed how he should be discovered if he did presume, and suffer if he were discovered? What care have we taken to avoid combustion and civil war, offering to lay down our arms when they shall have laid down theirs, in whom it was treason to take them up, and restored us those things which could not, without treason as well as injustice, be forced away and kept from us, our arms, ships, town, &c. and when we might meet both our houses in a safe and secure place, to debate freely of all the differences in a parliamentary way? and by whose influences these propositions were rejected, and whether the proposer or rejecters were most careful to avoid this ruin and desolation of the kingdom, we leave all the world to judge; and whether they, who divert the men and money collected for the relief of distressed Ireland, to raise forces against their prince (who asks them nothing but what is legal, nor will deny them any thing that is) do not join with the popish and jesuitical faction in the bloody massacre of many thousand protestants in that miserable kingdom. We propose likewise to every man's judgment, whether the declaring those to be traitors who execute our commission of array (issued in so many kings reigns, agreed upon by parliament, and there yielded to by the king to be settled, as now it is, as a matter of great grace; and since that time, which was in the 5th Hen. 4. in no parliament complained of) whilst our good subjects are vexed and imprisoned, not only for resisting, but for humbly petitioning. so as may seem but to insinuate something

something against their most illegal commands concerning the militia; (to which power of commanding no title can be made by any statute or any precedent; nor can we ever find by search, nor obtain to be told, what those fundamental laws are by which it is pretended: so deep those foundations are laid, beyond all means of discovery) and the declaring that those who raise men by virtue of our command and commission (the only legal way) traitorously and rebelliously levy war against the king, and ordaining it to be lawful for all our subjects by force of arms to resist them and their accomplices; and the raising of forces by authority of parliament (that is, by the remaining part of both houses) never in the most outrageous times before attempted, and commanding several persons, whom they call lieutenants, to lead, and giving them power to transport from one county to another the forces of several of our counties against them, and to kill and slay all such as by force shall oppose them, ourself not excepted, commanding all our officers and subjects to be assisting to them, and undertaking to secure them for so doing by the power and authority of parliament (which is first to allow, and next to command, and then to pardon treason;) be not to have already subverted, as much as in them lies, the liberty of the subject, the law of the land, and altered the antient government of the kingdom, leaving our subjects without all rule to walk by, when the most clear laws cannot direct and secure them, and they see all those antient bounds passed over, which were ever as much known to be the duty of both houses to observe, as it was evident that there were, and that it was necessary that there should be, two houses of parliament; and at once behold the law (which is to defend and protect the subject) and us (who are to protect and defend the law) need defence and protection. We doubt not therefore but all our good subjects will come in to our assistance, and that this wicked charge of intending to introduce popery, idolatry, and arbitrary government, laid by implication upon us (because we defend ourselves, and would recover our own) will be so far from being a motive against us, that this intolerable indignity and damnable scandal (so daily and visibly confuted by all our professions

professions and actions) will encrease our good subjects zeal towards us, and their indignation against the contrivers; and they will esteem themselves obliged by the religion of Almighty God to oppose this war, so impiously, so treasonably, and so groundlessly made upon us their king and his anointed. We therefore require all our commissioners of array, sheriffs, and all our other officers and ministers, to raise all the power and forces of their several counties to assist the marquis of Hertford, the earl of Northampton, the lord Willoughby of Eresby, the lord Dunsmore, the lord Paulet, the lord Seymour, Henry Hastings esq; sir John Stawell, sir Ralph Hopton, John Digby esq; and all other in the legal and necessary execution of our commissions of array, and in the raising and conducting of such horse and foot as shall be raised by our commission; and by force of arms to oppose the earl of Essex, the lord Say, and all other that shall raise or conduct any forces raised by pretence of authority of both houses; and the persons of all such traitors, and their adherents and accomplices, to arrest and imprison, to the end they may be brought to a fair and legal trial by their peers, and according to the law. And this we require from them, as they tender the defence of our person, the true religion, the law of the land, the liberty and property of the subject, and the true and just privileges of parliament. And for so doing they shall be defended and secured by us, and by the law; with whom and with which we doubt not but our subjects will sooner choose to live and die, than with the earl of Essex and his adherents.

By the KING.

A proclamation for the suppressing of the present rebellion under the command of Robert earl of Essex. And the gracious offer of his majesty's free pardon to him, and all such of his adherents as shall within six days after the date hereof lay down their arms.

WHereas now at the last those seditious and traitorous councils and consultations which have been long in design, and which long since we foresaw, have produced such manifest and open effects of treason and rebellion against us, that there are already great numbers

bers of horse and foot raised, arrayed, mustered, and trained, under pretence of authority of our two houses of parliament, without and against our consent, in and about our cities of London and Westminster, in a warlike manner, and there are many more in raising with speed; and Robert earl of Essex, by the said pretended authority, without our consent, hath been nominated to be captain-general of those troops and forces; and forgetting the duty and allegiance which he oweth to us his sovereign, hath taken upon him and accepted that title and command of captain-general, and in that quality appeareth amongst the soldiers, animating and encouraging himself and them in these traitorous and rebellious designs; and, as it is now notoriously known, the said earl and his adherents intend speedily to march from thence towards the north, where we now reside, and in a warlike manner to assail and oppose us, and those who shall attend or assist us, under pretence of defending our person and the two houses of parliament, and prepare traiterously to surprize or besiege our town of Portsmouth, and to possess themselves thereof with force, the same being a town and port of great importance in the western parts of this kingdom; and also to surprize, or by force to take and possess themselves of all other castles, forts, and places of strength within this kingdom, and all this to strengthen them and their party in these their traitorous and rebellious designs; all which are not now taken up by us upon information of others, and by conjecture, but do manifestly appear to the whole world by that insolent and prodigious commission of captain-general over the whole kingdom of England and dominion of Wales, which in the name of the two houses of parliament is granted unto the said earl, but hath indeed been contrived by some few malignant persons, members of either house, whereby they have mentioned to confer upon him, and the said earl under that colour hath assumed unto himself those titles, and begun to put in execution those powers and authorities which are inconsistent with our sovereignty; all which is so done contrary to all rules of religion, laws, allegiance or common honesty: We do now therefore publish and declare by this our royal proclamation, that

the said publick and notorious acts and actions of the said earl are acts and actions of high treason, being a manifest levying of war against his natural liege lord and king, expressly within the words and meaning of the statute made in the twenty-fifth year of king Edward the third, declaring the same, of which in law there neither is nor can be any doubt; and that the said earl of Essex is a rebel and traiter unto us and to our crown, and that he, and all colonels, captains, and officers, which upon notice hereof shall not immediately quit their commands under him, or any others, by the like unlawful and usurped power without and against us, are also guilty of high treason within that statute, and ought to be adjudged and esteemed, and proceeded against as traiters and rebels. And yet, out of our grace and clemency towards such of our subjects as have been abused and misled by the said earl, and such other as join themselves with him in these desperate courtes, and to preserve the peace of this kingdom, (if it be possible) and to avoid the shedding of blood, we, abhorring the name of a civil war (if it can by any good means be avoided,) do by this our royal proclamation admonish the said earl, and all our subjects whom it may concern, which are now already joined, or shall join themselves to the said earl in this act of hostility, that forthwith they lay down their arms, as well horse as foot, and all other preparations for the war, and instantly, without delay, return to their own homes and habitations, and there quietly and peaceably employ and bestow themselves in their proper vocations and callings, and that hereafter they meddle not or interpose themselves in these or any thelike rebellious and traitorous undertakings or actions; which if they do readily and really perform within six days after the date of these presents, we do hereby promise and undertake, in the word of a king, that we will freely extend our mercy unto them, and grant unto them our free and full pardon for all that hath been or shall be committed, before that time. But if they shall neglect this our grace and favour now extended unto them, and persist in any acts of hostility against us, or not disband upon notice of this our proclamation, we shall esteem of them as rebels and traitors to us and to our crown, and

and as publick enemies to the happy peace of this kingdom ; and that from thence we shall proceed against them and deal with them as rebels and traitors : and by the blessing of God, in whom we put our confidence, and by the assistance of our faithful and good subjects, upon whose fidelity and affections we rely, we doubt not but we shall so prevail against all their traiterous conspiracies and rebellious machinations, as shall vindicate our honour and the honour of our crown, preserve our good and loyal subjects from their malice and fury, and restore and settle the peace of this kingdom, and make the delinquents so exemplary, as shall deter others from ever attempting the like insolencies. And we hereby require and command all our commissioners of array, lieutenants, deputy-lieutenants, sheriffs, justices of peace, mayors, and all our officers, ministers, and loving subjects, that they and every of them in their several places do their best and uttermost endeavours to resist and subdue the said earl and his adherents, and those who shall assist them or any of them ; and to apprehend, or otherwise to destroy them and every of them, that so they may receive condign punishment for their disloyalty ; and that they be ready, according to their duties and allegiance, to assist us, and those our good subjects who do adhere unto us, according to our just commands in or concerning the premisses. And more particularly, we require and command our commissioners of array, lords lieutenants, deputy-lieutenants, captains and officers of our trained bands, of or in our counties of Southampton, Suffex, and Surry, that so many of them as to that purpose colonel Goring shall call to his aid, as he shall see cause, shall, with such forces as are under their command, repair unto our said town of Portsmouth, to assist the said colonel George Goring, our captain and governor of the said town, for the defence of the said town, and to oppose, resist, and destroy all those who under the command of the said earl of Essex, or any other, shall attempt any violence against the said town. And we do further require and command our right trusty and right well-beloved cousin and counselor, William marquis Hartford, that with all speed he raise all the forces he can within all or any the coun-

ties contained within that commission we have given unto him, whereby he is made our lieutenant general of our forces within our counties of Devon, Cornwall, Somerset, Dorset, Wilts, Southampton, Gloucester, Berks, Oxford, Hereford, Monmouth, Radnor, Brecknock, Glamorgan, Carmarthen, Pembroke, Cardigan, our cities of Exeter, Bristol, Gloucester, Oxford, Bath and Wells, new Salisbury, and Hereford, and the counties of the same, the towns of Pool, and Southampton, and Haverford-West, and the counties of the same; and with the trained bands of those counties, and others who shall voluntarily offer their service, to march against the said earl or any others under his command, or under the command of any others not authorized by us, and them to resist, oppose, and subdue; and especially for the defence of the said town of Portsmouth, and for the isle of Wight, in our county of Southampton, as there shall be occasion. And we do hereby desire and require our loyal and loving subjects of and within the said counties, being of the trained bands or voluntary levies within the said commission, to repair with their horse and foot, well armed, arrayed, and furnished, to such place or places as the said marquis shall appoint; and that they, and all other our good and loving subjects within this realm, shall, according to such directions as we shall give to that purpose, repair to us at such place where we shall pitch and set up our royal standard, and where we purpose in our own person to be present, and there and in such places whither we shall conduct them, or cause them to be conducted, to serve us for the defence of us, and of our kingdom, and of the true protestant religion, and the known laws of the land, and the just liberties of our subjects, and the just privileges of parliament, and to suppress the notorious and insolent rebellion of the said earl and his adherents, and reduce them to their due obedience, and for re-settling of the happy peace of this kingdom. And in this time of urgent necessity, which so much importeth the safety and even the very subsistence of us and our good people, we shall take it as an acceptable service to us, and much conducing to the peace of our kingdom, if our loving and well-affected subjects within our said counties contained

contained within our commission granted to the said marquis, do and will chearfully and voluntarily contribute unto us, and give unto us such assistance in money or plate as they shall think fit, by loan or otherwise, to be delivered to the hands of the said marquis, or of the commissioners of array for those several counties respectively, to be disposed of to this publick use, and not otherwise; and that our loving and well affected subjects of all other the counties of this kingdom will, to the same use and not otherwise, contribute unto and assist us in like manner; such contribution and assistance to be paid and delivered to our use into the hands of our commissioners of array for those other counties respectively, or to such of them as they shall nominate and appoint to that purpose. And lastly, in all these our just and necessary commands, we require that ready obedience from all our commissioners, sheriffs, justices of peace, mayors, constables, and other officers and loving subjects, in their several and respective places, which appertaineth to their several duties, as they tender our honour and safety, and the honour, safety, peace, and prosperity of the church and kingdom of England, and as they will answer their neglects at their uttermost perils. Given at our court at York, the ninth day of August, in the eighteenth year of our reign, 1642.

A proclamation by his majesty, requiring the aid and assistance of all his subjects on the north side Trent, and within twenty miles southward thereof, for the suppressing of the rebels now marching against him.

By the KING.

WHereas divers persons, bearing an inward hatred and malice against our person and government, and ambitious of rule and places of preferment and command, have raised an army, and are now traiterously and rebelliously (though under the specious pretence of our royal name and authority, and of the defence of our person and parliament) marching in battle-array against us their liege-lord and sovereign, contrary to their duty and allegiance, whereby the common peace is like to be wholly destroyed, and this flourishing kingdom in danger to perish under the miseries of a civil

war, if the malice and rage of these persons be not instantly resisted; and as we do and must rely on Almighty God (the protector and defender of his anointed) to defend us and our good people against the malice and pernicious designs of these men, tending to the utter ruin of our person, the true protestant religion, the laws established, the property and liberty of the subject, and the very being of parliaments; so we doubt not but our good people will in this necessity contribute unto us, with all alacrity and chearfulness, their assistance in their persons, servants, and money, for the suppression of the same rebellion: and therein we cannot but with much contentment of heart acknowledge the love and affection of our subjects of our county of York and divers other counties, in their free and ready assistance of us, which we shall never forget; and our posterity will, as we hope, ever remember, for their good. Nevertheless, in this our extreme necessity, though we have been most unwilling, we are now enforced, for our most just and necessary defence, again to call and invite them, and all other our subjects of the true protestant religion, residing on the north-side of Trent, or within twenty miles southward thereof, whose hearts God Almighty shall touch with a true sense and apprehension of our sufferings, and of the ill use which the contrivers and fomenters of this rebellion have made of our clemency and desire of peace, that according to their allegiance, and as they tender the safety of our person, the property of their estates, their just liberties, the true protestant religion, and privileges of parliament, and indeed the very being of parliaments, they attend our person upon Monday the two and twentieth day of this instant August, at our town of Nottingham, where and when we intend to erect our standard-royal in our just and necessary defence, and whence we resolve to advance forward for the suppression of the said rebellion, and the protection of our good subjects amongst them from the burthen of the slavery and insolence under which they cannot but groan till they be relieved by us. And we likewise call and invite all our subjects of the true protestant religion, in the remoter parts of this our kingdom, to whom notice of this our proclamation cannot

so soon arrive, that with all speed possible, as they tender the forenamed considerations, they attend our person in such place as we shall then happen to encamp. And such of our said subjects as shall come unto us (either to our said town of Nottingham, or to any other place where we shall happen to encamp) armed and arrayed, with horse, pistols, muskets, pikes, corslets, horses for dragoons, or other fitting arms and furniture, we shall take them into our pay, (such of them excepted who shall be willing as volunteers to serve us in this our necessity without pay.) And whosoever shall in this our danger and necessity supply us either by gift or loan of money or plate for this our necessary defence, (wherein they also are so nearly concerned) we shall, as soon as God shall enable us, repay whatsoever is so lent, and upon all occasions remember and reward those our good subjects, according to the measure of their love and affections to us and their country. Given at our court at York the twelfth day of August, in the eighteenth year of our reign, 1642.

*His Majesty's Declaration to all his loving subjects, of the
12th of August 1642.*

IT is more than time now, after so many injuries and indignities offered to our royal person, so many affronts and scorns put upon our kingly office, so many scandalous, seditious, and traiterous pamphlets against ourself and our government, to vindicate ourself from those wicked and damnable combinations and conspiracies, which the implacable malice and insatiable ambition of some persons have contrived against us; and to let all our loving subjects know how much they are concerned in our sufferings, and how much their peace and security is shaken in the assaults which are made, and the wounds which are given, to our honour and authority, and (how specious soever their pretences are of religion and liberty) that in truth their end is nothing but anarchy and confusion in either. In the relation and consideration whereof (though we take no delight in the sharpness and bitterness of expressions) 'tis no wonder if being compelled to take notice of actions of an high and injurious nature, and to consider and an-

swer words impetuously directed against majesty itself, we be likewise enforced to use a dialect rougher, and different from what we have used to treat in, ('tis a weapon we blush to find ourself put to exercise :) and we call the Almighty God to witness, that though we were extremely sensible of the violent and unjustifiable impositions upon our royal office and authority, of the apparent hazard and danger which threatened our own person and safety ; yet not so much the particular consideration of ourself hath engaged us in the resolution we have now taken, as the publick care of the true protestant religion, the preservation of the law and the liberty of the subject, and the upholding the whole frame and constitution of this kingdom, so admirably founded and continued by the blessing of God and the wisdom of our ancestors, to the wonder and envy of all the neighbouring kingdoms, which the faction and ambition of a few discontented spirits, with their counterfeit shews of religion and pretences of liberty, endeavour to shake and rend asunder ; and to bring ourself, and all the subjects of this kingdom, into perpetual subjection unto their vast, unlimited, arbitrary, seditious jurisdiction. We shall begin our discourse from the beginning of this parliament, (for of the unhappy dissolution of the last, by the misinformation and advice of some persons, looked upon now under another character, we shall forbear to speak, being resolved that no disregard or undutifulness of other men towards us shall ever prevail with us, to do what we think unsuitable to the honour and reputation of a just prince, and of a good and loving master.) When we resolved to summon this parliament (which we did out of our own earnest and affectionate desire to beget a good and right intelligence between us and our people, and before the meeting of our great council at York, and uncompelled by any violence, but of our love to peace) we presented to ourself the unhappy condition wherein the state of this kingdom then stood, considered the nature of the pressures (then more freely represented to us) which in themselves were grievous to our good subjects, and in the consequences of them might appear more terrible. We took a full and clear prospect of the inconveniences and mischiefs which

which had grown, by the long intermission of parliaments, and by the parting too much from the known rule of the law to an arbitrary power; and upon the whole resolved (without putting any gloss upon our own former commands, or endeavouring to make any excuse for the actions of our ministers) that the measure of our justice and favour, by way of reparation, should far exceed the proportion of the sufferings our good subjects had undergone by us, which we were confident would beget so mutual an affection and confidence between us, that such a foundation of firm and stable happiness would immediately have been laid for the whole kingdom, that all memory of former grievances would have been easily buried, and that this parliament should receive a glorious celebration both by king and people to the end of the world. And therefore upon the first convention, on the third of November, we declared our resolution in that point, and then, or soon after, desired, that whatever mistaking had grown in the government either of church or state might be removed, and all things reduced to the order of the time (the memory whereof is justly precious to this nation) of queen Elizabeth: and for any expression of their affection to us in supply of our known necessities, we were so far from pressing, we resolved not to think of it, till all our good people should be abundantly satisfied in all necessary provision for their liberty and property, and whatsoever might disturb them in their estates or consciences. How firmly we have kept ourself to this resolution is evident to all the world. At the beginning of the parliament we quickly discerned, by some circumstances of their proceedings, that they meant not to confine or contain themselves within the paths of their predecessors; which we imputed to the disorder and impatience the former sufferings of the kingdom had begot in them; and therefore we resolved to take no exceptions to any particular; but to do our part in any point of reformation, as soon and as often as any opportunity should be offered unto us, believing that as soon as they should find themselves restored to their old security, and the matter and substance of their doubts and fears to be removed, they would easily and willingly re-

duce themselves into their good old way, and apply themselves to the usual form of their predecessors in the course of their proceedings. And though we well knew the combination entered into by several persons for an alteration in the government of the church, which could not but have an influence upon the civil government of the state too, and observed that those men had greatest interest and power of persuading in both houses, who had entered into such combination; yet our resolution was so full for the publick satisfaction of our people, that we believed even those men would either have been converted in their consciences by the clearness and justice of our actions, or would have appeared so unreasonable or been discovered so seditious, that their malice and fury would not have been able to have done mischief. And therefore we took no notice of the great labour and skill the prime leaders amongst them had used to get men of their faction nominated and elected to serve as members of the house of commons, and did use to remove others (whom they knew to be of different opinions) tho' they were fairly and legally elected; wherein there was no other measure or rule of justice observed, than singly with reference to the opinions or affections of the persons; witness (besides their putting out or keeping in men upon questionable elections, without the least colour or shadow of justice) their order whereby they at one clap expelled a very great number of persons fairly elected by their country, upon pretence that they had some hand, or their names used in some project, monopoly, or patent, without charging them with any crime, or to this day proceeding against them: and yet they continue amongst them sir Henry Mildmay, master Laurence Whitakers, and others (whose affections and opinions they are well pleased with;) though the first of them is notoriously known to be the chief promoter of the business of the gold and silver thread, (a commission complained of, viewed, and examined, and therefore his name might have been easily taken notice of;) and the other as conversant, and as much employed as a commissioner in matters of that nature as any man. We speak not this to excuse monopolies (the inconveniences of which we are sensible of, and shall
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for the future prevent) but to shew the partiality of that faction, and the use they make of them to their own advantage.

The first remedy (after the impeaching several persons of high treason, whom they looked upon as the chief causes of the public sufferings) they proposed, was the bill for the triennial parliament: to the which tho' we might justly have paused upon several expressions and clauses in it, and might very well have insisted upon our old privilege and custom, not to pass any bill till the end of the session; yet since we really did believe most of the mischiefs then complained of proceeded from the too long intermission of parliaments, and were resolved for the future to communicate freely and frequently that way with our subjects, we passed over those exceptions, and consented to it, especially upon this confidence, that when such other acts should be agreed upon for the ease and security of our people as we desired and expected should be preferred to us, this act would be a sufficient earnest and assurance that all those acts should be faithfully observed by us, and so there should be no room left for any fears and jealousies, which might prevent that mutual confidence between us and our people we earnestly desired to raise; and for some time after the passing this act we found such an acknowledgement from both houses of our singular grace and favour in consenting to it, and so great expressions of their affections and purposes towards us, that we believed the sense of it would never have been forgotten, and were as much pleased that we had taken that way of obliging our people, as they were with the benefit itself.

But we were very well able to discover, that whatsoever seemed to be asked of us, or to be complained of to us, there was still a faction of a few ambitious, discontented; and seditious persons, who, under pretence of being enemies to arbitrary power, and of compassion towards those who out of tenderness of conscience could not submit to some things enjoined or commended in the government of the church, had in truth a desire (and had entered into a combination for that purpose) to alter the government both of church and state; which they were yet to disguise, till by their

art or industry they had infected some with their opinions, and by their cunning demeanour and managery of the public interests they had seduced others to an implicit confidence in their power, wisdom, and integrity. And against this design we only opposed a resolution to contribute all our assistance for the peace, happiness, and security of our people, and so to convince their understandings (if their error proceeded from weakness) that no alteration could produce that happiness they imagined, and (if their natures were capable of such trusts) to take some of the chief of them so near us, that they might be witnesses of our actions, and privy to our counsels, that either ingenuity or gratitude might recover them from their desperate inclinations. Hereupon, because most of the grievances of our people were conceived to proceed from the great liberty of our council-board, or from some orders and directions from them, we admitted to our privy-council seven or eight of those lords who were eminently in esteem with our people for their reputation of honour and justice; some of whom we knew to be most passionately disinclined to the present managery of civil affairs, and to the government of the church; and hoped, that by a free communication of their doubts, opinions and counsels, they would have received that satisfaction, that they would have been excellent instruments of a blessed reformation and confirmation in church and state.

Having begun with this foundation of confidence in our court by electing such persons, we made the same haste to apply particular remedies to the visible known diseases, resolving those remedies should be proportioned to the counsel and desires of both houses, which we thought the surest way to win at least a major part to the confession and acknowledgement of our justice and affection. The Star-chamber had, in the excess of jurisdiction, or tediousness and charge of proceedings, or measure and severity of punishment, invaded the laws of the land, and liberty of the subject, by the exercise of an arbitrary power; we pressed not the reformation of this court, though erected or settled by act of parliament in a wise time; but, at the instance of both houses, consented to the abolition of it. The high

high commission court had proceeded with too much strictness in many cases, where the tender consciences of many of our weak subjects were concerned, and had so far out-grown the power of the law, that it would not be limited and guided by it; but censured, fined and imprisoned our people for matters unpunishable by the law; we pressed not the review of that statute by which that court was erected, that such power might be qualified and provisions altered as had been grievous to the subject, nor desired that any other care might be taken for the upholding the ecclesiastical discipline, than what the wisdom and piety of both houses should think necessary; but, in compliance to the sufferings of our people, and the desires of both houses, consented to the repeal of that branch of that statute. The writs for ship-money, whereby several sums of money had been received from our good subjects for defence and safeguard of the kingdom, had lain heavy upon our people, yet were judged to be legal; both our houses of parliament declared that the grounds and reasons of that judgment (being, that when the good and safety of the kingdom in general is concerned, and that the whole kingdom is in danger, we might compel our subjects to provide ships, men, and victuals, for the defence and safeguard of the kingdom: and that we were the sole judge of that danger, and how the same might be prevented) were contrary to and against the laws and statutes of this realm, the property and liberty of the subject, and to the petition of right; without disputing our right, we were contented that all the proceedings in that business should be adjudged void and disannulled, and the judgments, enrolments, and entries thereupon should be vacated and cancelled, in such manner as was desired. Under colour of executing the forest laws, and of keeping the justice in eyre's seat, very many persons had been grieved and vexed by presentments, fines, judgments, and imprisonments, the meets, limits, and bounds of all the forests in England, with such further provisions for the ease of our subjects as were desired at our hands. If by the negligence or wilfulness of persons trusted by us, any grievances or inconvenience had been contracted in any part of our kingdom
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(which seemed not to have so general an influence upon the whole) upon the first clear information we did our part for the easing of them; and therefore we passed, for the benefit of our good subjects of Devon and Cornwall, an act against divers incroachments and oppressions in the stannary courts. And we were so confident this way to win the hearts and affections of all our good subjects, and that both our houses of parliament would at last find a time to give too, that we made their asking the only rule to our grants, and parted with any thing they desired us to relinquish. So in the preamble to the bill of tonnage and poundage, we parted with our title of imposing: a power adjudged good, and exercised by our ancestors; and, though disputed, never resolved against by judgment in parliament. So in the act for regulating the office of clerk of the market, because the undue execution thereof had been grievous to many of our loving subjects, we consented, that no clerk of the market of our house shall hereafter execute his office in any part of our kingdom, but only within the verge of our court, and granted the execution of that office to the mayors and bailiffs of towns corporate, and to the lords of liberties and franchises, and to their deputies. So, because about the beginning of our reign, several writs had issued out of our court of chancery in the business of knighthood, and been transmitted with their returns into our court of exchequer, where the proceedings were not fit and warrantable, we were contented, by the act for the prevention of vexatious proceedings touching the order of knighthood, absolutely to part with and discharge a right and duty as unquestionably due to us by the law as any service we can challenge. So (which is the highest instance of trust that ever king gave his subjects) upon information that credit could not be obtained for so much money as was requisite for the relief of our army and people in the northern parts, for preventing the imminent danger the kingdom was in, and for supply of our present and urgent occasions, for fear the parliament might be dissolved before justice should be done upon delinquents, public grievances be redressed, a firm peace between the two nations of England and
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Scotland concluded, and before provision should be made for the repayment of such monies as should be so raised (though we knew what power we parted from, and trusted our houses with, by so doing, and what might be the consequence of such a trust, if unfaithfully managed) we neglected all such suspicions, which all men now see deserved not to be slighted, and we willingly and immediately passed that act for the continuance of this parliament, being resolved that it should not be our fault if all those particulars were not speedily provided for, which seemed then to be the grounds of their desire. Let all the world now judge what greater obligations of justice, favour, affection, and trust, can a prince lay upon his subjects, than we did upon both our houses of parliament by these acts: and whether we did not, in our free grace and favour, grant much more than had been asked of us by that petition presented to us by some lords at York, in which was then thought to be contracted all that was grievous to our people, and all that was just and gracious for us to do for them. And in all the time in which these acts were framing and passing, though our own personal wants were notoriously known and unkindly unprovided for, and themselves had asked leave to look into and settle our revenue, which we consented to, and therefore we might have expected some fruit of that pretended care, we never pressed them, or made the least overture to them for our own supply; only desired them (and it was almost the only thing we did desire of them) that they would use all possible expedition in the business of the treaty, that the two armies might be speedily disbanded, and our subjects eased of that heavy burden which in time would grow insupportable, and waste the whole stock of the kingdom. But we found the faction we feared in the beginning grow still stronger, and nothing converted or reconciled by all those acts of ours, which would have made any nation happy; that whilst we were busy in providing for the public, they were contriving particular advantages of offices and places for themselves, made use under-hand of the former grievances of the subject in things concerning religion and law, to change the religion and law of this
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kingdom, labouring, that neither any thing the subject had suffered from the crown might be forgotten, nor any satisfaction from the crown to the subject, might be remembered. And therefore, instead of acknowledging our great justice and singular favour in passing those acts, they infused into our people, that we passed them unwillingly, (whereas we never made the least pause upon any of them but one, that for the high commission court; and whether that was penned with that wariness and animadversion, that there be not more determined by it than the major part of both houses intended at the passing of it, let themselves judge) and that we meant not to observe them; and grew so much confounded with the full measure of our favour, that they would allow themselves no security of enjoying what we had freely given, but by taking away any power from us of giving more, they must have a thorough alteration both in church and state, or else they should never enjoy the benefit of the reformation we had willingly made. Hereupon they oppose the disbanding of the armies, and give all delays to the Scots treaty, tho' the commissioners for that nation very earnestly pressed the hastening of it, and in plain English declare, that "They cannot yet spare them, that the sons of Zeruiah were too strong for them:" And finding more haste to be made in the asserting the civil interests than they desired, having a design to engage this kingdom into so vast a debt, that there might be no way of paying it but by the lands of the church, and lest our good subjects might be too soon satisfied, they hastened on to their design upon the church; which they at first disguised with a purpose only of removing the bishops from their votes in the lords house. This bill passed the house of commons; in the house of peers it endured several long free debates; and in the end, upon great and solemn deliberation, was by the consent of very much the major part of that house absolutely rejected: this was no sooner done, but that faction (glad of the miscarriage of their former bill, the passing whereof they knew would have satisfied many of those whom they hoped now further to seduce) produced a bill to be rendered in the house of commons for the abolition of bishops

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out of the church of England, root and branch, according to their first resolution (as Mr Pym told a member of the lords house, by way of reproof, " That it " was not enough to be against the persons of the bishops, if he were not against the function,") and for extirpation of all deans and chapters, and reducing that admirable frame of government and support of learning into a chaos of confusion, that out of it they might mold an utopia no six of them had, nor we believe yet have, agreed on, farther than to destroy the present: and out of the goodly revenue which the pious bounty and devotion of former ages had been so long in raising, for the encouragement and advancement of learning and religion, and which God hath blessed with so many eminent men, whose learning and lives have advanced the doctrine of the protestant religion, and many of them given their bodies to the fire, as a sacrifice to that truth and religion, to erect stipends to their own clergy, and to raise estates to repair their own broken fortunes. And for the free passing of this bill (which to this hour they could never tell what to make of) two armies must be kept in the bowels of the kingdom at 80,000l. a month charge to the commonwealth; for about this bill the house of commons was so wholly taken up, that in ten weeks, none, or very little, other business could be thought of. About this time, or a little before, (after several intimations of treasons, plots, and conspiracies by the papists, of great provisions of armies made by them, and training men under ground, and many other false reports, created, spread, and countenanced by themselves) upon some general apprehensions of designs against them, a protestation is made in the house of commons for some union and consent amongst themselves, to perform those duties which, if they had meant no more than they expressed, had been sufficiently provided for the oaths they had already taken, and what their former duties obliged them to. Hereupon a protestation is framed, and being put into such words as no honest man could believe himself obliged by it to any unlawful action, was voluntarily taken by all the members of the house of commons, and presently recommended to the house of lords, where it received the

the same countenance, that is, was looked upon as containing nothing in itself unlawful, though some members of that house refused to take it, being voluntary, and not imposed by any lawful authority : then it is recommended to the city of London, and over all the kingdom, by order from the house of commons (a strange and unheard of usurpation) to be taken by all persons. But in very few days, upon conference amongst themselves and with those clergymen who daily solicit their unlawful and unwarrantable designs with the people, they find they were by this protestation so far from having drawn people into their combination, that in truth all men conceived that they were even engaged by it against their main design, by promising to defend the true protestant reformed religion, expressed in the doctrine of the church of England, &c. And thereupon some persons of that faction prevailed, that after the members of the houses had taken it, a declaration was set forth by the house of commons, that by those words, "the doctrine of the church of England," was intended only so far as it was opposite to popery, and popish innovations, and that the words were not to be extended to the maintenance of the "discipline and government, &c." and so under this explication and declaration published only by the house of commons, and never assented to by the house of peers, this protestation was directed to be generally taken throughout England : And to that purpose a bill is drawn, passed the house of commons, and sent up to the lords ; who at the second reading, finding many particulars in it unfit to be so severely imposed upon the subject, absolutely rejected it. Upon this ensued a new and unheard-of distemper in the house of commons, as if it had been great presumption in the house of peers to refuse any bill sent from them, and thereupon a vote passed in the house of commons, that that house did conceive that the protestation made by them is fit to be taken by every person that is well-affected in religion, and to the good of the commonwealth ; and therefore doth declare, that what person soever shall not take the protestation, is unfit to bear office in the church or commonwealth ; and ordered, that the knights, citizens, and burgeses, should send
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down to the several places for which they serve, copies of that vote of the house concerning the protestation, and that those votes should be printed. Let all men judge whether before that time, from the beginning of parliaments, the house of commons had ever presumed to trench so far upon our privilege, to make a declaration so like law without us; or upon the privilege of the lords, to make and publish such a declaration after they had rejected the bill, and some of them refused to take the protestation; or upon the liberty of the subject, so far to impose any such thing upon them without consent of parliament. Yet of this we took no notice, but pressed still the disbanding of the armies, and interposed and quickened them in nothing else; which was again with all earnestness desired by the Scots at Newcastle, and pressed by their commissioners at London. But a new fright was now found to startle the people, and to bring us into hatred or jealousy with them; the general rumors of treasons and conspiracies began to lose credit with all men, who began to consider what they felt more than what others feared; and therefore they had now found out a treason indeed, even ready to be put in execution upon the whole kingdom, the representative body thereof, a plot to bring up the whole army out of the northern parts to London. A strange plot indeed, which, considering the constitution of that time, no man can believe us guilty of; and though they made great use of it, to the filling the minds of our people with fears and apprehensions, they seemed not then to charge us with any knowledge of or privity to it.

What they have done since, all the world knows, notwithstanding our many protestations in that point. And we cannot but say, that by those examinations of colonel Goring, Sir Jacob Ashly, and Sir John Conyers, and master Piercy's letter, which is all the evidence we have seen, and by which they seem principally to be guided, we cannot satisfy our own private conscience, that there was never a resolution of bringing up the army to London: and upon the strictest examination we can make of that business, we can find it to be no other than this: Observation being made of the great tumults

mults about Westminster, which seemed to threaten the safety of the members of both houses, at least of those who were known not to agree with the designs of that faction we have before spoken of, and the manner of delivering petitions by multitudes of people attested (or pretended to be so) by the hands of many thousands, against the known laws and established government of the kingdom, which yet seemed to receive some countenance, and to carry some authority, as instances of the affections of so many persons; it fell into the thoughts of some officers of the army, of known and public affections to their country, that a petition of a modest and a dutiful nature from the whole army, for the composing and settling all grievances in the church and state by law, might, for the reason of it, prevail with the whole house, and coming from such a body, might confirm those who might be shaken with any fears of power or force by the tumults; and with this proposition we being made acquainted, gave our full approbation to it, taking great care that no circumstances in the framing it or delivering it might be any blemish to the matter of it. This, we call God to witness, as we have done before, was all we gave our consent unto, or which we believe was ever intended to be put in practice. What attempts other men made to seduce the affections of the army from us is known to many. If in the managery of this debate any rash discourses happened of bringing up the army, it is evident, whether they were proposed in earnest or no, they were never entertained, and the whole matter laid aside above two months before any discovery; so that that danger was never prevented by the power or wisdom of parliament. And for the petition itself, which hath been so often pressed against us as a special argument of our privity to the bringing up the army, after we have so fully and particularly answered every particular circumstance of that petition, signed with C. R. we have herewith published a true copy of that petition, that all our good subjects may see how justly we have been traduced, and judge, when petitions of all natures were so frequently and so willingly received, whether such a petition might not with modesty and duty enough have been

been presented unto them. And if in truth that design of bringing up the army had been then believed when it was first pretended to be discovered, which was about the beginning of May, they would surely have thought it necessary to have disbanded that army sooner than August, which no pressing of ours nor of our Scots subjects could persuade them to do; and we are sure our innocence in that matter would soon have appeared, if the large time to bring this business to a judicial trial had been made use of; if, contrary to all custom, it had not been thought fit to publish depositions before the parties concerned had been heard to make their defence, or witnesses cross-examined, though they attended above twelve months to do it; and if some men had not believed that their general and violent expressions, affirming this to be a plot equal to that of the gun powder-treason, would sooner be believed if it were not publicly discussed, but left to every man's fancy to heighten according to his own inclinations, and had not feared, that if the whole examinations taken (and not such only as they pleased to select) had come to light, it would have appeared by the examination of Mr Goring (purposely suppressed) with what intention that mention of bringing up the army was made, with what earnestness it was opposed, and with what suddenness it was deserted; and many extenuations of and many other contradictions to what is now published would have appeared, and this impossible stratagem, with which they have so much disturbed our subjects and reproached us, could never have been made so much use of.

After all this readiness in us to do whatsoever they desired of us, and patience in suffering them to do whatsoever they pleased to us, we gave them warning, that if there were any more good bills which they desired might pass for the benefit of our subjects, we wished they might be made ready against such a time, when we resolved, according to our promise to our Scots subjects (with which they were well acquainted) to repair into our kingdom of Scotland, to settle the unhappy differences there. Upon this we were earnestly desired by both our houses of parliament to deter our journey thither, as well upon pretence of the danger, if both armies

mies were not first disbanded, as that they had many good laws in readines for the settling the differences here. We were by their entreaty persuaded to defer our journey to a day agreed on by themselves, assuring ourself that they would think themselves obliged against that time not only to disband our armies, but so to prepare and digest the business of parliament, that we might have made a session before our going. But that malignant faction was so prevalent, that the debate of the bishops bill took up most of their time, so that neither any care was taken for the disbanding the army, nor any thing done that had any reference to the public benefit: and when the time of our stay was expired, and even the day come themselves had appointed, a new address was made to us for a longer stay of fourteen days, because the treaty was not concluded, nor the armies disbanded, which was the main ground of our deferring it before. This suit (which was the first we denied them) we could not grant, there being that necessity with reference to our promise, and to the expectation of our subjects of Scotland, that it was not in our power to satisfy them, as we informed both houses ourself at a conference; and according to that necessity we undertook that journey, not doubting but that when we should have dispatched the affairs of that kingdom, which we hoped speedily to do, and both our houses of parliament should have refreshed themselves in the visitation of those for whom they had so well provided by our favour, we should meet again with mutual confidence in one another, and that it would be our turn then to receive such testimonies of that confidence and affection as we had deserved.

But the mischievous and indefatigable industry of that malignant party, which had before our going interrupted that correspondence which we deserved from our people, had with no less malice provided for our reception at our return; instead of reducing business to that head, that the distractions of the kingdom might be composed by the due observation and execution of the laws, we found things far more out of order than we left them, and our good subjects more puzzled to know their duties. Orders had been made in the
house

house of commons, and published in derogation of the book of common prayer, and for suspension of those laws in force which concerned the government of the church : and though another order of the lords was likewise published according to law for the due observation of the laws established, and for suppressing those disorders which were every day breaking out, by the faction of mean loose persons against the divine service appointed by law, the house of commons took upon them publicly to declare against that order, because it was only made with the consent of eleven lords, and that nine other lords did then dissent from it ; whereas in truth the said order was made in a full house in January before, and only ordered then by that difference in number to be printed, after the house of commons had made (in a very thin house, and after it had been rejected by vote) that illegal order for such alteration in the church : and if in truth it had been then made, and but by the odds of two voices, being in pursuance of the law, all men will think it of much more validity, than any order of the house of commons against the law ; which in truth hath no authority to make any orders in business of that nature.

And therefore the publishing of that order and declaration of the ninth of September must be confessed by all men to be such a breach and violation of the privilege of the peers house, (besides the affront offered to us, and injury to our good subjects, and to the law by it) that before this parliament was never heard of ; and was an apparent evidence, that they meant the whole managery of the kingdom and the legislative power should be undertaken by the house of commons, without the consent either of us or our nobility. Yet the execution of this order was with great diligence and animosity pressed upon our good subjects, and many troubled and imprisoned for not submitting thereunto. When they had made this breach upon the ecclesiastical state, they took care (under pretence of encouragement of preaching) to erect lectures in several parishes, and to commend such lecturers as best suited with their designs, men of no learning, no conscience, but furious promoters of the most dangerous innovations which
were

were ever introduced into any state ; many of them having taken no orders, yet recommended by members of either house to parishes, as at Lewisham in Kent, and many other places : and when mechanick persons have been brought before them for preaching in churches, and confessed the same, the power of these grand reformers hath been so great, that they have been dismissed without punishment, hardly with reprehension. All persons of learning and eminency in preaching, of sober and virtuous conversations, and great examples in their lives, even such as amongst these men had been of greatest estimation, and suffered somewhat for them, were discountenanced, and such men principally cherished, who boldly and seditiously preached against the government of the church, against the book of common-prayer, against our kingly lawful power, and against our person ; many of which were commended to (if not imposed upon) parishes, first by special letters and earnest solicitations from the prime leaders of this turbulent faction, after by orders requiring such ministers as would not accept their recommendations to attend and shew cause. All licence was given to those lewd seditious pamphlets which despised the government both of the church and state, which laid any imputations and scorns upon our person or office, and which filled the ears of all our good subjects with lies and monstrous discourses, to make them believe all the ill of the government and governors of church and state : Books against the book of common prayer and the established laws of the land suffered, without reprehension, to be dedicated to both houses of parliament, whatsoever the rancour and venom of any infamous person could digest, published without controul, and nothing discountenanced and reproached, but a dutiful regard of us and our honour, and a sober esteem and application to the laws of the kingdom. This was the condition we found at our return from Scotland, besides a strange groundless apprehension of danger infused generally into the minds of our good subjects, as if some notable design were in hand against the parliament, against the whole kingdom of England, against the city of London. There fell out an accident whilst we were in Scotland concerning the

the marquisses of Hamilton and Argyle. Those two lords upon some information given to them that their persons were in danger, upon a sudden withdrew themselves from the parliament in Scotland, and for some few days removed out of Edinburgh. Whatever they had been informed, and whatever they suspected, the grounds of both were very fully examined by the parliament there, their persons being of that quality and estimation in that kingdom that they were sure of justice. Upon the whole, themselves and the parliament were satisfied, that the information first given to them could not be made good to the proof of any design to the danger of these lords, and the examinations of the whole matter sent by our direction to our parliament here. How (if all had been true that was imagined) this business could so highly and nearly concern the peace of this kingdom, and the present safety of both our houses of parliament, we cannot imagine: yet upon the first report of it here (which was the day before the first meeting after the recess) without staying to hear the opinion of our parliament there, who used all diligence in the examination, or of our parliament here, such strange glosses and interpretations were made upon that accident (not without reflection upon us and our honour) as if at the same time there had been such a design to have been executed here as they had fancied to themselves that to be; and a sudden resolution was taken, first by the committee during the recess, after by the houses, to have a guard for the defence of London, Westminster, and both our houses of parliament: which must needs make a great impression in the minds of our good subjects, in a time when they were newly freed from the fears of two armies, to be awaked with the apprehension of dangers; of which seeing no ground, they were to expect no end.

Matters being thus stated, and all possible skill being used by that faction, and by their emissaries of the clergy, (who at the same time, such clamour was raised of the unlawfulness that the clergy should meddle in temporal affairs, were their chief agents to derive their seditious directions to the people, and were all the week attending the doors of both houses to be employed in those errands) to infuse the most desperate fears into

the minds of all men that could be imagined. To be sure that the memory of former bitterness might not depart, they provide for our entertainment against we should come to London, to present us with a remonstrance (as they called it) of the state of the kingdom; laying before us, and publishing to all the world, all the mistakes and all the misfortunes which had happened from our first coming to the crown, and before, to that hour: forgetting the blessed condition (notwithstanding the unhappy mixture) all our subjects had enjoyed in the benefit of peace and plenty under us, to the envy of Christendom; objecting to us the actions of some, and the thoughts of others; and reproaching us with matters which indeed never entered into our thoughts, nor, to our knowledge, into the thoughts of any other; reviling us to the people, and complaining to us of the house of peers (whose authority, interest, and privilege was then as much slighted and despised as ours is since;) and easily passing over those singular acts of our grace passed by us this parliament, or ascribing them to their own wisdom in the procurement, they concluded against a malignant party, and that they had no hope of settling the distractions of the kingdom for want of concurrence with the house of peers, and that concurrence was desperate by reason of the prevalency of the bishops and of the recusant lords, into which number all those lords were cast who presumed to dissent from any propositions made by the house of commons. When this engine was prepared for the people by the prime leaders of that desperate faction, it was presented to the house of commons, and the greatest industry and skill used that is imaginable by private solicitations, threats and promises to procure consent, that it might be passed by that house: and after a long debate (longer than ever was known in parliament, till three of the clock in the morning, from ten the day before, when very many through weariness and weakness, were forced to leave the house; so that it looked (as was well said) like the verdict of the starved jury) they carried it by eleven voices. And shortly, within very few days after our return (when we had been received with all possible expressions of joy by our city of London, which was publicly murmured

mured against, and the chief advancers of that duty and affection discountenanced, as if they envied us the loyalty of our people, and when it was publicly said in our house of commons, upon some dispute of a pretended breach of the orders of the house, "that their discipline ought to be severe, for the enemy was in view") that remonstrance was presented to us at our court, at Hampton-court, by some members of the house of commons, with a petition (contracting the sharp language in the remonstrance into less room) amongst other things that we would concur with our people for depriving the bishops of their votes in parliament, (for which there was then no bill passed both houses) and to employ such persons about us as our parliament might confide in. We received this strange petition, and stranger remonstrance, graciously from the hands of the presenters, promised them an answer, and in the mean time desired that the remonstrance might not be published to the people; the thing itself, and the printing any thing of the like nature, being never heard of by the direction of the house of commons till this parliament, it being the first appeal to the people, and of a dangerous consequence to parliaments themselves. But (as in other things neither our desires or commands have been considered) without giving us leisure to answer either the one or the other, special direction is given for the printing that remonstrance, and equal care taken for the publishing it in all places and parts of the kingdom. Having taken this care for the shaking and perplexing the minds of all men, the next work was to get such a power into their hands as might govern and dispose of those affections. To this purpose they had from the beginning of the parliament (by reason of some complaints against the immoderate exercise of the authority of the lieutenants and their deputies in raising coat and conduct-money, and some excesses in them) had several debates in the diminution of the office itself: but still grounded upon the illegal pressures used by them, and upon some words in the commission itself, which (though of long usage in very happy days) were conceived not agreeable to the law: but they were so far from supposing the office itself or commission to be illegal, that both houses

of parliament had recommended two lords to us, and desired our commission to make them lords lieutenants of Yorkshire and Dorsetshire ; the only end seeming then to be, that good and approved men should be in those employments and trusts. But at last they resolved against the office itself, and would think of some other way to provide for the safety of the kingdom in that point ; and in this they had a double end : first, to fright all persons (members of both houses, who had been lieutenants and deputy-lieutenants) to comply with them in their votes, lest they should be called in question for the execution of those offices. (a stratagem they had found to engage many persons to their opinions, as sheriffs for the collecting ship-money, and all other persons who in truth were or might be made obnoxious to their power ;) then, that by unsettling that whole business of the militia throughout the kingdom, they might the more easily bring in their own power of governing it, as they have since endeavoured to do. And thereupon they presumed to bring in such a bill into the house of commons, to place a general at land and an admiral at sea by act of parliament, with such power and authority over the lives and fortunes of all our subjects, as should be liable to no controul nor to be questioned by any superintendant hand, with a pre-pardon for whatsoever they should do under colour of those offices, either of which officers should have been a much greater man than ourself, and commanded in our kingdom above us : the matter of which bill, to shew their design, is since digested into their new general's commission, and the pretended ordinance to the earl of Warwick. And all this was then pretended to be a matter of absolute necessity for the preservation of us and our kingdom ; but at that time it could procure no other credit, than to be suffered to rest in the house as an evidence of the liberty might be used in the preferring of bills. They had by this time taken all the licence at their private cabals to undervalue and vilify our person and our power, and in publick, to give way and countenance to any scandals upon us. Letters from the mayor of Plymouth, that the rebels in Ireland call themselves *the queen's army*, and pretend the king's authority for what they

they do, and store of such discourses upon such evidence is every week printed in the journals of the house; which without doubt must be of great authority with our people, who must conceive such informations to be not only fully and clearly proved, but to be accepted and published upon very weighty reasons above the consideration of our honour and safety. And now they were to examine what notable credit their remonstrance and their other general infusions had got with the people, and how ready they would be upon any occasions to venture themselves at their direction. They had made themselves so terrible in the house of commons, that by their threats and their promises of places and preferments to several men, and by the absence of many, they had gotten the major part: but in the house of lords their power was not the same; that must be wrought another way: yet there they had used all means to prevail upon the hopes and fears of such who they thought might that way be dealt with; witness, among many other things of the same nature, that insolent speech of Mr Pym to the earl of Dover, "that if he looked for
" any preferment, he must comply with them in their
" ways, and not hope to have it by serving us." Shortly after their coming together upon the recess, a new bill was preferred in the house of commons, for the taking away of the votes of bishops out of the house of peers; which being once rejected before, ought not, by the course and order of parliament, to have been admitted again the same session: but that was easily over-ruled, and in the house of commons it did pass, many good men the more willingly concurring therein, upon hope that that bill being once consented to, the fury of that faction which with so great violence pursued an absolute destruction of the ecclesiastical government, would be abated, or that rage being discerned, they would loose that strength which supported them. But the lords quickly found that the ring-leaders of that faction had not ingenuity enough to be compounded with; and therefore with them it was not like to find so easy a passage. Now their resort was to the people, whom upon several occasions they had trained down to Westminster in great multitudes with swords and clubs, and

had often sent for them when any debate was like to be carried against them in either house; the particulars whereof we are ready to prove.

Every man will conceive we were in a great strait, to find ourself so much disappointed of that return the consciousness of our own merit and the many glorious professions made by both houses bade us to expect. We saw the laws absolutely trampled under feet, and a design laid to ruin the government of the kingdom, and to destroy us and our posterity. We saw this design carried by a few men, whose hatred and malice to our person we found implacable, and their contempt of us and our authority so visible and notorious, that they forbore not to express it in their mention of us in all companies. We saw their power and interest to be so great, that they were able to mislead very many honest men, and to countenance their actions under the name of both houses of parliament. We were resolved that nothing they should do within those walls should provoke us, till time and the experience good men should have of them should discover their purposes; therefore we applied ourself only to the law, hoping that the insolence and licentiousness of the people might, by our help, be curbed by that rule. The tumults grew so notorious and so dangerous, that they threatened and assaulted the members of both houses; whereupon the house of peers (which it seems the lords present at the passing of one of their late declarations, wherein they deny there have been any tumults, had forgot) at a conference with the house of commons twice very earnestly desired, that they would, for the dignity of parliaments, join with them in a declaration for the suppressing such tumults. But the prevalency of that faction was so great, that though complaint was made by members in the house of commons, that they had been assaulted and evil-intreated by those people, even at the door of their house, instead of joining with the lords for the suppressing or punishing them, several speeches were made in justification of them and commending their affections, saying, "they must not discourage their friends, this being a time they must make use of all their friends;" and master Pym saying, "God forbid that the house of
" commons

“ commons should proceed in any way to dishearten
“ people to obtain their just desires in such a way :”
which he had good reason to say, himself and those other
persons whom we afterwards accused of high treason
having, by great sollicitation and encouragement, caused
those multitudes to come down in that manner. The
lords having in vain tried this way, appoint (upon the
advice of the judges) that a writ be directed to the she-
riff and justices, upon divers statutes, (which issued ac-
cordingly) to suppress and hinder all tumultuous resort:
in obedience to which the justices, and other ministers
appoint the constables to attend about Westminster, to
hinder that unlawful conflux of people. This was no
sooner done, but the constables and justices of the peace
were sent for by the house of commons, the setting such
a watch voted to be a breach of privilege, and before
any conference with the lords, by whose direction that
legal writ issued out, the watch discharged, and one of
the justices for doing his duty according to that writ
sent to the Tower. About the same time there was a
tumultuous assembly of Brownists, Anabaptists and other
sectaries called together by the sound of a bell into a
place in Southwark, where the arms and magazine for
that borough were kept. The constable knowing such
meetings to be unlawful, and the consequences of them,
especially in such places, to be very dangerous, came
amongst them. He was no sooner come, but he was
reproached with words, beaten and dragged in a very
barbarous manner, insomuch as he hardly escaped from
them with his life. Complaint was made by him to the next
justices, and oath made of the truth of that complaint :
whereupon a writ was sent to the sheriff to impanel a
jury according to the law, for the examination and find-
ing of this riot. This was complained of too, and
the meeting (in how tumultuous and disorderly a man-
ner soever) pretended to be only for the drawing of a
petition against bishops, and that the constable was a
friend to bishops, and came to cross them, and to hin-
der men from subscribing that petition. Hereupon an
order was made in the house of commons, and the
under-sheriff of Surrey by it enjoined, that he should
not suffer any proceedings to be made upon any in-
surrection

sition that might concern any persons who met together to subscribe a petition to be preferred to that house. What authority the house of commons had or have to send any such injunctions, we cannot conceive ; yet by this any disorderly persons (let their intentions and demeanour be never so seditious) are above the reach of the law and justice if they please to say they meet to prepare any petition to the house of commons. And 'tis no wonder if, after all this care taken to remove all those obstacles the law had put in the way to such tumults, all people took upon them to visit our parliament in such manner as they thought fit, and thereupon great multitudes of mutinous people every day resorted to Westminster, threatened to pull down the lodgings where divers of the bishops lay, assaulted some in their coaches, chased others with boats by water, laid violent hands on the archbishop of York in his passing to the house, and had he not been rescued by force, it is probable they had murdered him ; crying through the streets, Westminster-hall, and between the two houses, " No bishops, no bishops, no popish lords ;" and misused the several members of either house, who they were informed favoured not their desperate and seditious ends ; proclaiming the names of several of the peers as " evil and rotten-hearted lords ;" attempting the defacing the Abbey at Westminster with great violence ; and in their return from thence made a stand before our gate at Whitehall, said, " they would have no more porters-lodge, but would " speak with the king when they pleased ;" and used such desperate rebellious discourse, that we had great reason to believe our own person, our royal consort and our children to be in evident danger of violence, and therefore were compelled at our great charge to entertain a guard for securing us from that danger. And yet all this danger is so slighted, that we are told in the last declaration, after we have so often urged it, " that " it is a suggestion as false as the father of lies can invent." These licentious and unpunished tumults gave occasion to the bishops (who could not repair to the house without danger of their lives) to make that their protestation, for the which they were forthwith accused of high treason by the house of commons, and committed

ted to the tower by the house of peers, where they continued for the space of four months at the least.

That small guard we had taken for our necessary safety, and the resort of some officers (who attended both our houses of parliament, for money due to them by act of parliament and upon the publick faith) to our court for our defence against those tumults, was objected against us, and divers counterfeit letters were written, and senseless fears infused into the citizens of London, that we had a design of actual violence upon that city, and thereupon they were drawn into arms, and put upon their guard against us. So that there was not only no provision made for the suppressing of tumults, but that provision the law had made against them discountenanced and taken away, and we ourself censured for taking so much strength about us as might, for some time, oppose such force as was like to be offered to our own gates. What should we do? we very well knew the contrivers of all these mischiefs, who had by their exceeding industry and malice wrought this distraction throughout the kingdom, such a defection of allegiance in the common people, such a damp of trade in the city, and so horrid a confusion in the church; and all this to satisfy their own private ends and ambition; for themselves know what overtures have been made by them, and with what importunity, for offices and preferments, what great services should have been done for us, and what other undertakings were (even to have saved the life of the earl of Strafford) if we would confer such offices upon them. We were sure we could make such particular proofs against them of a solemn combination entered into by them for altering the government of the church and state, of their designing offices to themselves and other men, of their soliciting and drawing down the tumults to Westminster, and of their bidding the people in the height of their rage and fury to go to Whitehall, of their scornful and odious mention of our person, and their design of getting our son, the prince, into their hands, of their treating with foreign power to assist them if they should fail in their enterprizes: yet we saw too that their interest and reputation was so great with many of both houses of parliament, their

power so absolute with a multitude of Brownists, Anabaptists, and other sectaries about London, who were ready to appear in a body at their command, that it would be a hard matter to proceed against them. In this strait we resolved to do our part in both, to give our people a clear satisfaction of our upright intentions to the publick, whereby they should find their happiness did not at all depend on such instruments; and to proceed against the persons of the other in a legal way, that all the world may see what ambition, malice, and sedition had been hid under the vizard of conscience and religion. Hereupon we prepared an answer to the remonstrance the house of commons had before published to the people of the state of the kingdom; wherein, without taking notice of the uncomely language in, and the circumstances of that remonstrance, we declared with as gracious and full expressions as we could make, our earnest resolutions for the maintenance of the true protestant religion, the liberty and property of the subject, and the law of the land; and made no less gracious offers to consent to any act that should be offered for the ease of tender consciences in matters indifferent, and very earnestly desired that the same might be provided, and whatever else should be thought necessary for the peace and security of our people: and then, that we might likewise manifest the actions of that malignant party which had done so much mischief, and intended so much more, we resolved to accuse the lord Kimbolton, master Hollis, master Pym, master Hampden, and master Stroud, (who had so maliciously contrived the ruin of ourself and the established government of this church and kingdom) and sir Arthur Hesilrigge, who had been made their instrument to obey and execute their bold and wild designs of high treason, as we had great reason to do, hoping that their duty due to us, and the obligations we had put upon our people this parliament, would never suffer the interest and reputation of these men to be laid in the scale, and to overweigh our regal authority and the law of the land, but that we should have found a way open to a fair and legal trial of them, which was all we desired. How our proceedings was in that business and our managery

managery of it, we have truly and at large set forth in our answer to the declaration of both houses of the nineteenth of May, that what we did first in acquainting the house of commons with our accusation by our serjeant at arms, was in correspondence and out of regard to that house, that we might rather have them delivered to the hands of justice by them, than apprehend them by an ordinary minister of justice; which we were and are assured, whatever doctrine is preached to the contrary, we might well have done in the case of treason: otherwise that maxim in the law, acknowledged in a petition of both houses to us in the beginning of our reign, in the case of the earl of Arundel, that in case of treason, felony and breach of peace, privilege of parliament doth not extend, is of no signification. The words are, "they find it an undoubted right" and constant privilege of parliament, that no member of parliament (sitting the parliament, or within the usual times of privilege of parliament) is to be imprisoned or restrained without sentence or order of the house, unless it be for treason, felony, or for refusing to give sureties for the peace." In those cases 'twas then thought a member of either house was not to be distinguished from another subject: and why we might not as well have expected that upon our articles (not so general as a mere verbal accusation) of high treason, either house would have committed their several members, as they had done so many this parliament, and about that time twelve together (upon a confessed ground, which every man there, who knew what treason was, knew that fact to be none) merely because they were accused, and as the house of peers had formerly done a member of that house, (the earl of Bristol) accused in the same manner, most of the good lords being then judges, we neither could then, nor can yet understand. That our own coming to the house was to prevent that shedding of blood, which in all possibility was likely to follow that order made the night before, for resisting all such officers who endeavoured (upon how legal warrant soever) to arrest any members of either house (an order much more unjustifiable by any rule of law and justice, by which orders or acts are to

be examined, than any thing we have done, or any body by our authority) that our purpose was no other but to acquaint that house with the matter of our accusation, to desire their persons might be secured, and without any thought of the least violation of their privileges. This is that which we did : examine now their part, and their progress since, and then judge whose privileges have been invaded, and with how good a mind to the commonwealth they have proceeded. We were no sooner gone, but the house adjourned itself, with some unusual expressions of offence, and we were speedily informed that some reports and scandals were raised against us in our city of London ; that we had offered violence to our house of commons, come thither with force to murder several members, and used threatening speeches there against our parliament ; and that this was but a preface to an attempt we meant to make against and upon the city. Whereupon we resolved the next day to go to the Guild-hall ; and to shew the great confidence we had in the affections of our said city. (which we expected should have begot a proportionable confidence from them in us) we went attended with very few of our own servants, and then in the presence of the lord mayor, the aldermen, and a very great assembly of the chief citizens and others, we made them a full narration of what we had done the day before, and assured them, that we intended no proceedings but such as were most agreeable to the law of the land and the privilege of parliament. This demeanour of ours we thought would have given satisfaction to all our loving subjects, that if in truth we had erred in the form of our proceedings, yet our intentions were full of justice and regard to the general law of the land, from which we shall never willingly swerve. But instead of any application to inform our judgment wherein we had erred, and how we were to proceed, both our houses of parliament, under the title of committees, adjourned themselves to the Guild-hall, and afterwards to Grocers-hall ; the persons accused remove themselves into the city, as to a sanctuary, and there manage and contrive business to their own ends ; they cause discourses to be published and insinuations to be made of incredible danger

danger to the city and kingdom by that our coming to the house ; and alarm was given to the city in the dead time of the night, that we were coming with horse and foot thither, and thereupon the whole city put in arms. And however the envy seemed to be cast upon the designs of the papists, mention was only made of actions of our own. Their seditious preachers and agents are by them and their special and particular directions sent into the several counties to infuse those fears and jealousies into the minds of our good subjects, with petitions ready drawn by them for the people to sign ; which were yet many times by them changed, three or four times, before the delivery, upon accidents and occurrences of either or both houses. And when many of our poor deceived people of our several counties have come to our city of London with a petition so framed, altered and signed as aforesaid, that petition hath been suppressed, and a new one ready drawn hath been put into their hands after their coming to town, (inso-much as few of the company have known what they petitioned for) and hath been by them presented to one or both houses of parliament, as that of Bedfordshire and Buckinghamshire ; witness those petitions, and amongst the rest, that from Hertfordshire, which took notice of matters agreed on or dissented from the night before the delivery, which was hardly time enough to get so many thousand hands, and to travel to London in that errand. The accused members, to shew how much they were above us and the reach of the law, march with a guard of armed men to the place where the committee sat, sit with them, and govern those counsels. First, they procure a declaration to be set forth and printed from the committee (without being reported to the house, contrary to all custom and privilege of parliament, and against the law itself) with very strange expressions of our carriage ; and upon the matter, requiring all people to assist them. This they cause to be sent into the city to the common council, which by the undue practices of captain Venne, and master Foulk, since made alderman for his good service (their principal agents) they had caused to be altered, by putting out the gravest and most substantial
citizens

citizens, and taking in persons of desperate fortunes and opinions, who they knew would concur with them in their more desperate actions ; (the same design, and the same way pursued to make the city of London at their disposal, as had been practised in the house of commons to work upon the whole kingdom :) and with this common council correspondence is kept for the setting of unusual watches, placing of guards in several places of the city, as if some desperate attempt and assault were to be made upon the whole city by us, who were known scarce to have a guard strong enough to preserve our own house from violence. A commander is appointed under the title of serjeant-major-general, and, as if all men were now by their new protestation made judges of the privileges of parliament and the breaches thereof, and absolved from all rules of obedience, special provision is made, and publick direction is given, for drawing down the trained bands of our city of London to Westminster on a day appointed, to guard and bring in triumph the persons accused of high treason, as such worthy patriots that the commonwealth itself could not subsist but with reference to them ; who in their discourses and by their messages to their confederates expressed the greatest scorn of, and the most treasonable reproaches against us that can be imagined. When we understood this horrid preparation made against us, the power it was evident these persons had to do hurt, and the malice we knew they bore against our person (which we had too great reason to fear they intended to seize) we resolved to yield, for the present, to this storm : and so the day before their coming to Westminster we withdrew our person, with our royal consort and our children, to our house at Hampton-court ; and the rather, lest the courage and indignation of some of our good subjects might (how weakly soever, yet with the effusion of blood) oppose that great scorn intended us : and believing that possibly by our removing with all such persons whose presence was excepted against, and discharging that small guard which the tumults had forced us to take for our safety, and which was urged as an argument of danger, and ground of the general fears, might at least lessen their

their appearance the next day. But these powerful persons would by no means conceal their triumph over us, but the next day are guarded from their residence in the city with multitudes of armed men and ammunition in an hostile and warlike manner to Westminster. The same care and industry was used to provoke and incense our mariners, masters of ships, and other seamen, who were solicited by the accused persons, and by their special direction, to express their affection likewise to the cause in hand ; and thereupon near one hundred lighters and long boats were set out by water, laden with fakets, murdering pieces, and other ammunition, dressed up with waste clothes and streamers, as ready for fight. And in this array, these men by water and the soldiers by land cried out as they passed by, " That " they would thus protect and defend those worthy " gentlemen whom we had accused of high treason ;" and as they passed by our windows at Whitehall, scornfully asked, " what was become of us, whither were we " gone ?" In this equipage they came to both houses, where it is no wonder they have been since able to govern, having given such testimony of their power both by land and water. Let all the world judge by what law this army was raised, and whether any act of ours against these persons was as unwarrantable as these proceedings.

We bore all this, being so much amazed at these distractions, that we could not easily find what colour the malice of these men had found out thus to out-face us, not yet conceiving we had broke any privilege, ~~or~~ that the casual breaking of privilege could have produced such prodigious distempers. But we were no sooner advertised where our mistaking was, but, without recrimination or complaining of the injuries against ourself, we sent to both houses on the twelfth and fourteenth of January by message, that in our proceeding against those persons we had not the least intention of violating their privileges, which we would be willing to assert by any reasonable way we should be advised ; that we would wave our former proceedings against them, and when the minds of men should be composed, would proceed in an unquestionable way ; in the mean time
desired

desired all jealousies might be laid aside, and application be made to the publick and pressing affairs, especially to those of Ireland, which cried for the utmost of our assistance. But it concerned those persons by no means to suffer such a composition; if these fears and jealousies were not kept up and inflamed in the people, and the distractions heightened, they knew they should not only be disappointed of the places, offices, honours and employments they had promised themselves, but be exposed to the justice of the law, and just hatred of all good men. Therefore the business of both kingdoms was not considerable to the interests of the six members, who would be thought the pillars both of church and state. They had now found a danger nearer hand than Ireland, and an army raised by us in one night at Kingston upon Thames; and upon some extravagant information pretended to be given to a committee, (though some of their pretended witnesses publicly in the house disavowed any such testimony) they procured an order to be framed; and though before the publishing of it they had full and clear evidence to the contrary by persons come immediately from the place, and testifying it to be most quiet and peaceable, they yet had power to procure that order to be published on the thirteenth of January, (the next day after they had received so gracious a message from us) declaring, that the lord Digby and colonel Lunsford (the former of which was in the town only with a coach and six horses, the other only attended by his servant, and hath been since earnestly pressed by the serjeant of the house of commons (in whose custody he was) to accuse the lord Digby, with promises that thereby himself should be discharged) had gathered troops of horse, and appeared in a warlike manner at Kingston upon Thames (being within a mile of our court) to the terror and affrightment of our good subjects, and to the disturbance of the publick weal of the kingdom; and therefore it was ordered, that the sheriff and justices of the peace should, with the assistance of the train-bands, suppress such assemblies, &c. and this way they found out to draw that county to affront us, and sent multitudes of mean people, under pretence of petitioning us, to shew

us how unsecure our residence was like to be there too, and so in a short time compelled us, our royal consort and our children, to remove to our castle at Windsor. They proceed then by a close committee (a thing scarce heard of till this parliament, and of dangerous consequence to the fame and reputation of all men) to examine such mean, unknown persons as they had by threats and promises solicited to that purpose, concerning the circumstances of our coming to the house, exhibiting bold and malicious interrogatories and questions concerning ourself; and upon such wild informations of desperate persons, contrary to the known truth, and concealing other examinations which they had taken, and by which the contrary to what they would have the people believe would have appeared, particularly that very full examination of captain Ashley, wherein our publick and peremptory commands against all manner of violence (though provoked) are sufficiently manifested, they procured an infamous declaration to be published by the house of commons (for the house of peers could not be yet prevailed with to join in those extravagancies) on the seventeenth of January, mentioning our coming to the house, and some rude expressions of some persons, (who, if there were any such persons there, we are most confident they were not of our train) and would infer from some mens calling for the word at our coming out of the house (which is a form used in our court, that those of our train who are before may know when and whither they are to go) that we had a purpose to have fallen upon the house of commons, and to have cut all their throats; and do therefore declare, that “our coming to the house was
“ a traiterous design against the king and parliament;
“ That our proclamation issued out of the apprehension of them was false, scandalous, and illegal: That
“ it was lawful for all men to harbour them, and that
“ whosoever did so, should be under the protection and
“ privilege of parliament;” with many other expressions of and aspersions upon us, which they hoped would render us odious to our good subjects, and force us for our safety to submit to such unreasonable propositions which amongst themselves they had provided to
be

be offered to us, or provoke us to such actions as might give them some advantage. To keep the people in a continual alarm and apprehension of danger, few days passed without some pretended discovery by sir Walter Earle or other quick-sighted men, of some treason or plot against the parliament, the city, or the kingdom; and upon every light and impossible information many of our subjects sent for out of several counties, who, after chargeable attendance, were dismissed without any reparation or reprehension. One day the Tower of London is in danger to be taken: and information given, That great multitudes, at least a hundred, had that day resorted to visit a priest, then a prisoner there by order of the lords, and that at the time of the information above fifty or threescore were then there, and a warder dispatched of purpose to give that notice: upon enquiry but four persons were then found to be there, and but eight all that day, who had visited that priest. Another day a taylor in a ditch, in the open fields, overhears two passengers to plot the death of Mr Pym, and of many other members of both houses: then libellous letters found in the streets, without names (probably contrived by themselves, and by their power published, printed, and entered in their journals;) and intimations given of the papists training under ground, and of notable provision of ammunition in houses, where, upon examination, a single sword and a bow and arrows are found: a design of the inhabitants of Covent Garden to murder the city of London: news from France, Italy, Spain and Denmark, of arms ready to come for England; with infinite such ridiculous discourses, which are not only suffered and directed to be printed, but such countenance and credit given to them, that thereupon guards must be doubled, correspondencies and letters interrupted and broken open, even of and to foreign ministers of state and ambassadors, to the scandal of the nation, and against the laws of society and civil conversation: a committee appointed for information, where liberty hath been taken, without any accusation or complaint extant, to examine the discourses passed at meals and entertainments, what words such a man spoke; and such other monstrous things

things as in a short time will render life itself unpleasant, and make every room and every table a bait to betray men, and to bring them to ruin and destruction, insomuch as persons have been sent and employed by members of that committee on purpose to the tables of persons of honour and quality, to enquire, observe and inform what language and freedom was there used ; whilst those worthy accused members took the liberty to themselves in all their private meetings, and by their letters to deprave and slander our person, to contrive the alteration of the government of the church and state, to treat with foreign powers to assist them as soon as their designs should be ripe, to labour by promises and threats to bring the several members of either house to their opinion, and to raise scandals upon, and to plot danger and ruin for those who were of another opinion.

And having now by these arts disquieted and distracted the people abroad, and made them fit to receive any impressions from them, they proceed to work upon the members of both houses with infinite industry and application, that they might be able to get the reputation of consent from them, to encourage and set the people to work, if we refused to consent with them. They had removed as many members from them of a contrary opinion as they could, and had used all means to get men who would be disposed by them into their rooms. If they found any such lord, who had not a name in their list of the good lords, were like to have any influence upon a place where an election was to be, presently an order was conceived and published, that no letters from any nobleman ought to be written in such cases, and if written to be neglected ; but would by no means consent that this order should include those of the house of commons, lest master Pym or any of those blessed members might not write in the behalf of the commonwealth for a worthy gentleman. If any elections were questioned, whereby they were like to lose a man at their disposal, such businesses and questions were of too private a nature to interrupt their proceedings : so neither the election of Newcastle, Warwick, Windsor, and very many other places, for whom persons serve without and against the consent of the boroughs for
whom

whom they have got themselves returned or admitted, can be heard or considered. If the election of any such persons hath been heard at the committee, and they voted out of the house as unduly chosen or returned, they will by no means suffer such a report to be made, lest a good member should be lost; as in the case of master Nichols (master Pym's nephew) and others. Are they concerned in the contrary, and is any man returned and admitted whom they would be rid of, and against whom the least pretence is made? straight a day is appointed, no business so great, as fit to be a cause to keep a worthy member from the service of his country: this is the case of Andover, and other places. They rid themselves of those (how justly soever elected) whose opinions are not suirable, nor their dispositions weak and guilty enough to be wrought upon. Their next conquest must be of those whom they could under any general vote conclude to be obnoxious to the justice (and so to be within the mercy) of the parliament. To this purpose their terrible votes (which they keep as rods over them, having never proceeded against any) against all those lords who had concurred in such an order at the council-table, or such a censure in the star-chamber; against all lords lieutenants and their deputies, who had raised coat and conduct-money; against all sheriffs who had levied ship-money; against all lords and others who had been concerned in, or received profit by any monopoly or illegal patent; in a word, against all such who had meddled in any thing which their interpretations would call grievous to the subject, brought all persons of either house, who had guilt enough to doubt themselves, or want of spirit enough to fear them, either to be absent, or silent, or to comply with them. And if any man had the courage to consider the single business justly and by itself, they were straight making an inquisition into his whole life, and preparing something against him for matters of which their favourites were equally guilty; and declared publicly, "that what disservice soever any man had done
"formerly, if his present actions were such as brought
"benefit to the commonwealth, he ought not to be
"questioned for what was past, but cherished and
"protected."

They

They had several baits to catch and betray other men. Those who had been from the beginning deceived by them and complied with them in their passion, and been subtilly involved in some of their private councils, they persuaded, that they were so far in, there was no retiring; that we would never forget the disservice they had done us; and therefore that there was no way to safety for themselves but by weakening us, and putting themselves into such a condition as it should not be in our power to suppress them. To those who had publick thoughts about them, and desired the establishment of right equally between us and our subjects, and thought that right and favour they had obtained from us this parliament could never be enjoyed by them with that lustre and security, if the power from which they received it were oppressed or rendered of less veneration, they seemed abundantly satisfied with those acts we had passed, that they had no further aim than to enjoy those; but that they had upon our unwilling passing those acts (which all the world knows to be an untruth most maliciously framed) great reason to fear, we meant not to observe them: when in truth we had, by the bill for the triennial parliament, put ourself and our posterity (which we were willing to do) out of any possibility of destroying or not observing those good laws. To those who were desirous to give that satisfaction to weak consciences, that they might be eased of unnecessary ceremonies, yet were scandalized at the profane and odious licence which the rabble of Brownists, Anabaptists and other sectaries took to themselves of despising and reviling the book of common-prayer, of suffering mechanick ignorant fellows to undertake publicly, even in churches, to preach and expound the scripture, they seemed no less to be disquieted at that disorder, but alledge that all reconciliation and union was to be embraced and pursued against the common enemy the papist (from whom the danger was principally to be feared;) and when a perfect victory was obtained against them, they should easily bring the other poor harmless creatures to conformity. Those who out of laziness and vulgar-spiritedness were apt to comply with that part which was at last likely to prevail, they informed and assured confidently,

fidently, that they had those about us, who would at last persuade us to yield to all they demanded; and that all places and preferments should attend their directions, and be disposed by them, and that all such who opposed them should be inevitably destroyed. Those whom neither their skill nor importunity, their threats nor their promises could prevail with to comply in their bad ways, they proscribed as a malignant party, and having cast all the aspersions upon them folly and madness could devise, exposed them to be torn in pieces by the people. And having thus disposed themselves and perplexed the people, they proceed to laying that foundation of greatness and power to themselves they had from the beginning contrived: and as if all the pillars upon which the peace and happiness and being of this kingdom was founded, were now shaken by the attempt against those six innocent persons, and that all our power were therefore to be transferred into other hands, they cause the matter of the bill formerly exhibited in October before to be again reviewed; and now all the forts and castles of the kingdom, and the whole militia, must be put into such hands as they might confide in. A garrison must be put into our town of Hull, and sir John Hotham appointed governor of it, to whom the mayor of York is ordered to dispose 2000 pound out of the poll-money, which was to pay the arrears due to that county for billet, and the great debt to our subjects of Scotland. And when the mayor and principal aldermen of Hull refuse to receive that garrison, and urge the petition of right, that they may not be forced to billet those soldiers, they are sent for to the house of commons, and there kept in a tedious and chargeable attendance, till the garrison be taken in, being sent for to no other purpose. Our own magazine must be managed and disposed by their discretion. The Tower of London must be put into their hands, and a person against whom malice itself could not find the least accusation must be removed, for no other reason but because we had a good opinion of him. They who are the strictest in their censure of us and of our easiness, will find, upon this state of things, that we had enough to do, and that there was much difficulty to resolve.

We

We will never deny that our extreme tenderness of the peace of the kingdom, and our great grief of heart to see our good subjects misled in their duty and affection, begot more of our compassion and pity than of our anger and indignation, so that we were more awake to the sense of the calamity and misery which in all probability was like to befall them, than of our own honour and dignity; and therefore, without expressing the least resentment of all the scorns and injuries put upon us, and to shew how much our soul was possessed with the care of our people, we sent a message to both our houses of parliament from Windsor on the twentieth of January, desiring them, for the composing the miserable distractions of the kingdom, to enter speedily into a serious consideration of all particulars, as well those which might concern their privileges, their liberty and their property, the securing the true religion and the settling of ceremonies, as those of our just regal authority and revenue, that so both we and they might make a clear judgment of them, and we might make it appear how far we were from giving grounds for those fears and jealousies, by exceeding the examples of the most indulgent princes in our acts of grace and favour to our people. No body will blame us, if we expected at least such an answer as might bring us and our houses of parliament to an issue, that we might temperately debate what was to be done: but they who well knew the nature of their own demands, and what they meant to insist upon, would by no means that things should be brought into so little room, or discover the particulars of their desires, till they saw what strength they were like to have to second those desires; therefore a new adjournment is made to Grocers-hall to consult of evils and remedies; several petitions, framed and contrived by these persons themselves, are sent into the several counties, and multitudes of people resort every day to both houses with petitions, avowing the fears and jealousies these men had infused into them, and desiring to have the kingdom put into a posture of defence, and declaring their stout resolutions to maintain the privilege of parliament. In this triumph they vouchsafe to petition us to proceed against the
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members accused, or else that they might be publickly quit. We were resolved to give them no more advantage upon breach of privilege, and therefore desired to be informed which way we were to proceed, and whether we might prefer indictments against them at the common-law, we were answered, that no proceeding should be against them without consent of that house of which they were members, and therefore we were desired within three days to inform both houses what proof we had against them; or else they should be cleared: and they had before caused their false scandalous declaration of the fourteenth of January, of our coming to the house, to be new printed, together with the protestation, and to be sent over the whole kingdom by the knights and burgeses, as if by the one they were obliged to defend the other. In this case no man will believe we had reason to bring in our proofs against these men, and to publish our evidence, when we were told it was in the power of the major part to choose whether they should be tried or not: and we might easily see, and all the world will judge by the proceedings then, and their publick expressions since, whether, if we had proved a conspiracy amongst them to have taken away our life, they would not have found some distinction between our person and our office, which should have preserved these persons from the hand and course of justice; and to what other end that doctrine should be published with so much passion, "That in case of treason we might not proceed against any member but by consent of the house," (so contrary to custom, law and reason) but to let all men know it should not be in our power to question them for any thing they should do against us, let the law be never so clear in the point. Upon all these considerations, rather than to waste time in the dispute, when they were resolved to be their own judges too, we sent them word by our answer to their petition of the second of February, that we found we had good cause to desert any prosecution of those members, and further offered to grant such a free and a general pardon to all our loving subjects as should be thought fit by the advice of both houses, which we thought to be the best way to compose

pose all fears and jealousies of what kind soever. But the business of these men could not be done that way; a general pardon would never have settled the militia, and dispossessed us of those rights and that power without which they could not compass their designs; they now resort to their old refuge, the common people of the city and suburbs, and whatever they desired, these men must ask, for the satisfaction of the fears and jealousies of the city. The city had been desired to lend a hundred thousand pounds for the relief of Ireland; and their answer is drawn up to their hands, of their inability to lend, and such reasons given as might advance what had been upon general discourses neglected. The ten thousand men proffered by the Scots for Ireland were not accepted. A bill having been offered us for pressing, and in it a clause (not necessary to the present, and therefore purposely, as we conceive, put in, in hope we would upon that refuse it) declaring us to have no power to press, (a power constantly practised by our ancestors, and even in the blessed times of queen Elizabeth); our pause upon it was urged as a design to lose that kingdom, although we had offered to raise ten thousand volunteers for that purpose, if they would pay them. The not securing the cinque-ports (though the custody of them was in a noble person, against whom the least exception could not be made) and the not settling the kingdom in a posture of defence; the not removing sir John Byron from being lieutenant of the tower, whereby thro' distrust they were forced to forbear the bringing in of bullion to the mint (when it is notoriously known there was more bullion brought into our mint in the time that gentleman was lieutenant, than in the same quantity of time in any man's remembrance;) the votes of the bishops and the popish lords in the house of peers, and all other things which were then in design, and had in vain been attempted by them, by the refusal of the house of peers several times to join with them, were now urged as principal reasons, by this petition of London, why they could not lend a hundred thousand pounds to Ireland, and were pressed by several other petitions contrived by them, and presented to both houses, or to the house of commons. And these petitions are carried

up to the lords by master Pym, who takes upon him to reproach them for not concurring with the house of commons, and impudently lays that scandal upon us, that we had suffered many to pass by our own immediate warrant, who were since commanders in the head of the rebels: a false and abominable scandal, raised by his own malice, to draw our good subjects against us, without the least colour or shadow of truth, as appears by those answers they have published to our exception in that point, wherein there is not the least evidence of any such warrant granted by us: though master Pym be so great a person, that we can have no reparation against him for that calumny; but had credit enough with the house of commons, to persuade them to charge themselves unjustly, to excuse him, and to take upon them, that he had said nothing in that speech but by their directions. All this had not that quick operation with the lords, with whom (tho' they had committed twelve bishops for treason, a thing themselves blush at, and the popish lords had absented themselves) they could not prevail to join in matters so unreasonable in themselves, and dishonourable to us: therefore the house of commons by themselves petition us, thank us for our message of the twentieth of January, though they have since declared it to be a breach of privilege, resolving to take it into serious and speedy consideration; only desire for their security, that we will put the Tower of London, and all the forts of the kingdom, and the whole militia into such hands as should be recommended unto us by them, (for the house of peers had refused to join with them, and so were upon the matter petitioned against, and left out in the power of recommendation.) Sure this was the strangest petition that, till that time, had ever been presented by the house of commons to their king: yet we returned a gracious answer, that if any particular should be presented to us, whereby it might appear that the lieutenant of the tower was unfit for the trust we had committed to him, we would immediately remove him; otherwise we were obliged in honour and justice, not to put such a disgrace upon him. For the forts and castles, that we were resolved they should be always in such hands, and only in such,

as our parliament should have cause to confide in; that we would have the nomination of them ourself, but that they should be always left (if any thing were objected against them) to the wisdom and justice of the parliament. For the militia, that when some particular course should be proposed to us for the ordering of it, we should return an answer agreeable to honour and justice, as appears more at large in our answer of the 28th of February to that petition. This gave them no better satisfaction than the former; but finding that without the consent of the house of peers (of whom much the major part, though the popish lords and the bishops were absent, dissented from them) and against our consent, they were not like to prevail over our people, they resolve of another attempt upon them; their old friends, the multitude, must be again brought down by the great conductor captain Venne (who is notoriously known, and proof thereof offered to be produced by master Kirton to the house of commons, to have several times sent to, and solicited people to come down out of the city with swords and pistols; when he hath told them, or sent them word by his wife, that "the worser party was like to have the better of the "good party;" and for all which publick offer, neither was master Venne then suffered to answer to this charge, nor master Kirton allowed any time (though many days were set) to bring in the particulars and witnesses) many persons are importuned to set their hands against the lieutenant of the tower, that they durst not bring in any bullion to the mint, for want of confidence, when they never brought in any in their lives: and being asked how they could set their hands to such a certificate, when it was known that never greater quantity was brought in than at that time; answered, "that "they were directed by parliament-men to do so, or "else they could not compass their ends." And having gotten multitudes of people of several counties, (or such as pretended to be so) to deliver petitions to both houses and to desire leave that they might protest against those lords who would not agree to the votes of the house of commons, as the petitions of Surrey and Hertfordshire do, and persuaded others, in the name of many thou-

lands of poor people in and about the city of London, to petition against a malignant faction which made abortive all those good intentions which tended to the peace and tranquillity of the kingdom, and to desire, "that those noble worthies of the house of peers who concurred with them in their happy votes, might be earnestly desired to join with the house of commons, and to sit and vote as one entire body;" professing that unless some speedy remedy were taken for the removal of all such obstructions as hindered the happy progress of their great endeavours, "the petitioners should not rest in quietness, but should be forced to lay hold on the next remedy which was at hand, to remove the disturbers of their peace," and (want and necessity breaking the bounds of modesty) "not to leave any means untried for their relief;" adding that the cry of the poor and needy was, "that such persons, who were the obstacles of their peace, and hinderers of the happy proceedings of this parliament, might be forthwith publickly declared, whose removal they conceived would put a period to those distractions," after it had been said in the house of peers, that "whoever would not consent to the proposition made by the house of commons concerning the forts, castles, and the militia," (when it was rejected by a major part twice) "was an enemy to the commonwealth." This petition was brought up to the house of lords by the house of commons at a conference: and after the same day master Hollis (a person formerly accused by us of high treason, and a most malicious promoter and contriver of those petitions and tumults) pressed the lords at the bar, to join with the house of commons in their desire about the militia, and further (with many other expressions of like nature) desired, in words to this effect, "that (if that desire of the house of commons were not assented to) those lords who were willing to concur, would find some means to make themselves known, that it might be known who were against them, and they might make it known to them who sent them." Upon which petition so strangely framed, countenanced and seconded, so great a number of the lords departed, that that vote passed

passed (which they had so often before denied) in order to the ordinance concerning the militia ; and since that time they have been able to carry any thing : and, upon the matter, the resolution of the house of commons hath been wholly guided by those persons who had given so plain evidence that they had the multitude at their command, and hath wholly guided that of the house of peers, who with little debate or dispute have, for the most part, submitted to whatsoever hath been brought to them. Shortly after they passed their ordinance, with such a preamble as highly concerned us in honour and justice to protest against, and wholly excluding us (in whom that whole power absolutely was and is) from any power or authority in the militia, the arms and strength of the kingdom, and that for as long as they pleased. And as if the matter were not worth the considering, or that there ought to be no other measure to guide us in point of judgment or understanding, but their votes, it was ill taken that we did not immediately return our answer, but took some time to consider it ; and we were again with great passion and impatience pressed to give our answer, they being pleased to tell us, “ they could not but interpret the delay to be “ in a degree a denial :” and in the mean time, to give us an instance how modestly they were like to use such power when we should commit it to them, they presumed of themselves (knowing we had appointed our son, the prince, to meet us at Greenwich in our return from Dover) to inhibit his meeting us there, and to endeavour to get him into their custody. All these things considered, and the insolence and injustice of the ordinance, we might very well have rejected that proposition with a flat denial and just indignation ; but we easily perceived, that our good people were misled by the cunning and malice of those boutefeus, and thought it always compliance worthy a prince to take all possible pains to undeceive such who are led into mistakings : and therefore we returned to their proposition for the ordinance a gracious answer and animadversion ; made it evident to them, that the preamble was in itself untrue and against our honour to consent to, and expressed our clear intention in our going to our house of

commons. We allowed all those persons recommended to us (except only in corporations, to whom a right was formerly granted by charter, not consistent with this ordinance) and offered to grant such commissions to them as had very long and happily been used in this kingdom, and which we had this very parliament granted to two lords, at the instance and intreaty of both houses. If that power should not be thought enough, we offered to grant any should be first vested in us, and so we be enabled to grant; but desired that the whole might be digested into an act of parliament, whereby our good subjects might know what they were to do, and what they were to suffer, that there might be the least latitude for the exercising of any arbitrary power over them. Which answer we desire all our subjects to read and consider, whether we did not thereby grant all which themselves had first desired; and whether there was cause to vote such who advised that answer to be enemies to the state, and mischievous projectors against the defence of the kingdom. But as if all the acts passed by us (amongst which that for the taking away the votes of bishops out of the house of peers was the last) were of no other value, but as instances that we would never deny them any thing, they immediately in great fury address themselves to us with a new humble petition, (as they called it, but it was indeed a threatening) and told us plainly, that if we would not then (in that instant) give our royal assent to their ordinance, they were resolved to dispose of the militia by the authority of both houses without us; advised us to stay about London, to put away evil counsellors, and to let our son, the prince, be and continue at St. James's, or some other of our houses near about London; that the jealousies and fears of our people might be prevented. We must appeal to all the world, whether, considering what had been done in publick and said in private, we had no cause of jealousy; and whether, having such evidence of the malice, guilt, and power of those accused members, who had designed to have taken the prince, our son, from us by force, it was not high time to remove a little further from that torrent which might have overwhelmed us, and made them as well,
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and by the same rule, masters of our person as of our militia. This carried us first from Theobalds to Newmarket: and whosoever reads the declaration sent us thither, the strange language given us, and scandals laid upon us in that declaration, will not wonder that we made all the haste we could from thence to York. What hath happened since our coming hither, both in words and actions, is too notorious to all the parts of Christendom, who with wonder and delight are amazed to see the wisdom, courage, affection, and loyalty of the English nation appear so far shrunk and confounded by the malice, cunning, and industry of persons contemptible in number, inconsiderable in fortune and reputation, united only by guilt and conspiracy against us. A licence even to treason is admitted (that is, not punished) in pulpits; and persons ignorant in learning and understanding, turbulent and seditious in disposition, scandalous in life, and unconformable in opinion to the laws of the land, are by these men, their recommendation and authority, imposed upon parishes, to infect and poison the minds of our people. Our towns, our goods, our money are taken from us; and to make the scorn complete, care is taken to persuade us that we are not injured, but that all is done for our good. Opinions and resolutions are imposed upon us by votes and declarations, that we intended to levy war, and then arms taken up to destroy us; rebellions and treasons contrived, fomented and acted against us, and then reproaches cast on us, and war raised against us, because we are displeased. We send our command to our keeper of our great seal of England, to adjourn the term from London to York, a thing as much in our power as in what room of our house we will lodge or eat. This is straight voted to be illegal, and our keeper of our own seal peremptorily forbid to do his duty, to seal a writ or proclamation to that purpose; and when, in obedience to our express command, he comes to wait on us, he is pursued with a warrant to all mayors, justices of the peace, sheriffs, and other officers, to apprehend him. A committee is sent down into the countries near us to execute their pretended ordinance, who compel our subjects to take arms against us, and threaten and

imprison such as refuse, without the least colour of law; whilst such who execute our legal commission of array are sent for as delinquents, and declared to be enemies to the kingdom. Our own monies seized upon at London, and no supply suffered to be sent us: all persons are forbid to come to us, and charge given to all men near the northern road, to stop all men and horses who are for our service coming to York, there being (as master Hollis says in his speech, of which he hath the sole printing, and hath granted that monopoly to one Underhill) a mark set upon that place, and an opinion declared concerning those who shall resort thither. Our highways are shut up, and our good subjects are hindered in their journeys, and their goods seized and detained from them, because they have occasions to use them in the north: our own household servants refuse to attend us upon our summons; and then the putting them from their places is voted an injury to the parliament, and whosoever shall accept of those places, to offer an affront to the parliament, and render themselves unworthy of any place of honour or trust in the commonwealth. Sir John Hotham is commended and protected for keeping us out of our town of Hull by force and arms; and our raising a guard for our defence is voted levying war against our parliament, whilst he murders our subjects, takes them prisoners, burns their houses, drowns their land, and robs all men he can lay hold of, and commits all the insolent acts of hostility against us and our subjects which the most equal and declared enemies practise in any country. And when, after all these outrages, our miserable subjects throw themselves at our feet, crying for and challenging our protection, we must not perform that duty towards them, nor presume to say sir John Hotham is a traitor, because he hath privilege of parliament. Our royal navy, our own ships are taken from us, the earl of Warwick made our admiral in despite and scorn of us, who chaces our subjects, and makes war upon us, under the authority of another pretended ordinance; and his letter published by the direction of the house of peers, to shew how easy it was to make an election rather to despise us and the known unquestionable law of the land,

land, than to neglect an order of both houses, in a matter they have no more just power to meddle in, than they have to sell our houses, parks, and crown-land: and they may as lawfully send those ships to the Indies, and ordain that we shall never have more, as keep them in the Downs against our will, and under a command we do protest against to all the world. We are defamed and publickly reproached for want of zeal against the rebels in Ireland; and when we offer to venture our own person and our crown-land for the relief of our miserable subjects there, such a journey is voted to be against the law, to be an encouragement to the rebels, that whosoever shall assist us in it shall be an enemy to the commonwealth, and that the sheriffs of counties shall raise power to suppress any levies we shall make to that purpose. And after all this (when it hath been publickly said by master Martin, "that our office is forfeitable, and that the happiness of this kingdom doth not depend upon us, or any of the regal branches of that stock;" and by sir Henry Ludlow, "that we are not worthy to be king of England;" and been declared, that we have no negative voice, which puts our crown, the law of the land, the liberty and property of the subjects absolutely into their hands) we are told by these devout champions for anarchy and confusion, "that we are fairly dealt with that we are not deposed; that if they did that, there would be neither want of modesty or duty in them:" they publish false scandalous declarations to corrupt our good subjects in their loyalty and affection to us, enjoin them to be read, and disperse them with all care and industry; and send for all ministers who, according to our command, publish our answers to undeceive our people, as delinquents, notwithstanding we have not prohibited any to read theirs: they commit the lord mayor of London (and other mayors) for publishing our proclamations according to our writ and his oath, and straitly charge all our ministers of justice not to obey us: they raise an army against us, and choose the earl of Essex for their general, and grant him a power over us, the law, and all our people, that he may kill and destroy whom he thinks fit; and impose an oath upon our subjects, to execute all the commands

of both houses: they waste and consume the money given by act of parliament for the discharge of the great debt of the kingdom, and for the relief of the bleeding condition of Ireland; employ the money brought in by the adventurers, and those men who are levied by our authority and commission, for the preservation of our miserable subjects there, to serve them in a war against us; whereby all men may see what reason we had not to consent to a warrant dormant, under pretence of levies for Ireland, which might have furnished them with men to fight against us, as the same pretence hath done with all the arms we had in our magazines: they commit such of our subjects to prison whom they are pleased to suspect, (as the earl of Portland,) and for no other reason but that they believe them loyal to us; censure and degrade nine lords at a clap, for obeying our summons and coming to us, when scarce that number concurred in the judgment; and declared two others enemies to the commonwealth, taking their votes from them, without so much as summoning them to answer any charge brought against them: they presume to take tonnage and poundage by a pretended ordinance, without our consent, though they have so often pressed it against us, that we took it without theirs; and so now dispense with a *præmunire* made this parliament, as they have formerly done with treason: lastly, to shew into what hands they intend the government of this kingdom shall be put, they have reduced the business of the whole kingdom, from both houses of parliament, into the hands of a few desperate persons, who have the power committed to them to act this tragedy without acquainting the houses, and so have gotten the authority of King and both houses of parliament to destroy all three; make orders to break up houses, take away plate and money, because 'tis possible the owners wish it with us at York; send troops of horse to make war upon us in what counties they please, and commit such unheard-of acts of oppression and injustice as no story can parallel, where the least form of government hath been left; that all our good subjects may see by what rules they shall live, and what right they are like to enjoy, when these men have gotten
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the sway, who in the infancy of their power, and when there is yet left some memory of and reverence to the laws under which their fathers lived so happily, dare leap over all those known and confessed principles of government and obedience, and exercise a tyranny both over prince and people more insupportable than confusion itself. And for all this impudent injustice (odious to God and man) what is objected against us? that we will not be advised by our parliament. In what? what one proposition that is evidently for the ease of our subjects have we denied? that we have granted many to be confessed. We will not consent that the ordinance of the militia shall be executed and obeyed; that is, we will not allow that both houses of parliament shall make laws, and impose upon the property and liberty of our subjects, without our consent, (which if we should yield to upon the same pretences of necessity, a word fatal to this kingdom and the publick good, the house of commons might as well, and would quickly come to make laws without the house of peers, and the common people without either) nor are willing that those men who have discovered all malice to our person, and disesteem and irreverence of our office, shall be legally qualified to take up arms against us, when they shall be thereunto provoked by their malice or ambition.

There can be no new thing said in this argument; we must refer our good subjects to our several answers, declarations, and proclamations in that point: only it will be worth their considering, that this extraordinary, unheard-of, extravagant power was assumed in a case of peremptory necessity, for the prevention of imminent danger in the beginning of March (how long it was in design before is understood by sir Arthur Hesilrigge his bill long preceding;) whether any such danger hath been since discovered, and whether unspeakable calamities have not already, and are not like to ensue from that fountain, we wish it were not too apparent. And if those fears and jealousies which seem to make that ordinance necessary were indeed real and honest, that in truth nothing were desired but putting the kingdom into a posture, that is, that all our loving subjects might be provided with arms, and dextrous in the using them,

if any invasion or rebellion should be; is not all this care taken, and all this security provided for by the commission of array? what honest end can that ordinance have, which is not obtained by the execution of and obedience to that commission? but 'tis true, the power is not in those hands, nor like to be employed to those uses 'tis now intended. Who hath not heard these men say, "that the alteration they intend, and is necessary both in church and state, must be made by blood?" are not the principles by which they live destructive to all laws and compacts? is not every thing necessary they think so, and every thing lawful that is in order to that necessity? sure if our good subjects were thoroughly awake in this business, they would think they had much more cause to thank us for denying this ordinance, than for granting all that we have granted. What is there else? we do not think sir John Hotham hath dealt well with us in keeping our town from us, nor do take it kindly that we are robbed of our magazine and munition, but think of recovering both by force, because we cannot have them otherwise; which will be an actual levying war against our parliament. This argument is sufficiently vexed too: our good subjects will read the messages, answers, votes, and declarations in this case; and we are sure upon the grounds laid to justify this treason, no subject in England hath a house of his own which may not to-morrow be given to sir John Hotham for as long a term as they think fit, and he may be sent to-morrow to murder us, and be no traitor, and they who shall shut the door against him shall be delinquents. Is there no more? yes, we will not submit to those nineteen dutiful and modest propositions which have been lately thrown at us as the necessary means of removing jealousies and differences, and as the last complement of all their scorns and injuries; that posterity may see to what a tameness we were brought when such things were asked of us: we will not be content that all our officers and ministers of state, be they never so faithful to us, so affectionate to their country, never so wise, never so honest, shall be immediately removed from us and their places, be disgraced and undone, and in their rooms these gentlemen (who
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have taken all possible pains to destroy king and people) or such whom they shall recommend, to succeed; that the same faction may be carried through the whole kingdom, which these men have raised in both houses of parliament; that all affairs of the kingdom be managed not only by their advice, but their absolute direction and command, lest any man should think himself our servant; that the education and marriage of our children be committed to them, lest any christian prince should make addressees to us in such treaties; in a word, that in gratitude to their modesty and duty for not deposing us, we will not now depose ourself, and suffer the people and kingdom (which God and the law hath committed to our government and protection, and for which we must make an account) to be devoured by them. Sure these men think 'tis no affront to ask any thing. But can our good subjects be longer kept in this trance? can the nobility, gentry, clergy, commonalty of England, sacrifice their honour, interest, religion, liberty to terms, and the mere sound of parliament and privilege? can their experience, reason, and understanding be captivated by words and assumptions contradictory to all principles? what one thing have we denied that with reference to the publick peace and happiness were to be bought with the loss of the meanest subject? and yet into what a sea of blood is the rage and fury of these men launching out, to wrest that from us which we are bound (if we had a thousand lives to lose in the contention) to defend? nay, what one thing is there that makes life precious to good men which we do not defend, and these men oppose and would evidently destroy? what grievance or pressure have our people complained of, and been eased by us, which is not now brought upon them in an unlimited degree? is the true reformed protestant religion, sealed by the blood of so many reverend martyrs, and established by the wisdom and piety of former blessed parliaments, dear to them? we must appeal to all the world (being called upon by the reproaches of these men) whether our own practice, (the best evidence of religion) and all the assistance and offers we can give, have been wanting to the advancement of that religion. And what can be more done by us to satisfy
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and secure our people in that point? on the other side, let all our good subjects consider and weigh what pregnant arguments they have to fear innovation in religion if these desperate persons prevail, when the principal men to whose care and authority they have committed the managery of that part refuse communion with the church of England as much as the papists do; and have not only, with that freedom they think fit to use, reproached the book of common-prayer and the government of the church in their speeches, but have published those speeches in the view of all men in print, that the world might see by what measure and rule the reformation they so much talk of is to be made: when such petitions have been contrived by them, and accepted with publick thanks, which revile the book of common-prayer, calling it a mass-book, in scorn and contempt of the law; whilst other petitions for the government established by law have been rejected, discountenanced, and the petitioners punished: and when two armies were kept in the bowels of the kingdom ten weeks, at the charge of fourscore thousand pounds a month, for the countenance of a bill to eradicate episcopacy root and branch: when such licence is given to Brownists, Anabaptists, and sectaries; and whilst coachmen, felt-makers, and such mechanick persons are allowed and entertained to preach by those who think themselves the principal members of either house: when such barbarous outrages in churches, and heathenish irreverence and uproars, even in the time of divine service and the administration of the blessed sacrament, are practised without controul: when the blessed means of advancing religion, the preaching of the word of God, is turned into a licence of libelling and reviling both church and state, and venting such seditious positions as by the laws of the land are no less than treason, and scarce a man in reputation and credit with these grand reformers, who is not notoriously guilty of this; whilst those learned, painful, and pious preachers, who have been and are the most eminent and able asserters of the protestant religion, are (to the unspeakable joy of the adversaries to our religion) disregarded and oppressed: lastly, when for the settling and composing all these distracti-

ons and distempers, instead of a free and general synod of grave and learned divines, which hath been so much talked of (and to whose deliberations we were and are willing to commit the consideration of those affairs) a conference is desired with particular men nominated by themselves, contrary to the rights and practice of the church; the major part of whom (though we confess there are many reverend, learned, and pious persons amongst them) are not of learning nor understanding suitable to so great a work, or are of known avowed disaffection to the doctrine and discipline of the church, and of those who have preached seditiously and treasonably against our person and authority, as doctor Downing and others. Whoever from his soul desires a true examination and reformation in religion cannot expect it from the results of these mens councils, nor think the true service of God is like to be advanced or preserved by such practices. And all sober men must look with strange horror and indignation upon the last declaration of the lords and commons, which after such unprecedented outrages and violences against us, publishes the ground of their taking up defensive arms (as they call them) to be for the maintenance of the true religion; the taking and keeping of Hull, our navy, our money and goods, the exercising of the militia, and all the other injuries we complain of, to be for the maintenance of religion. But whosoever believes them to be for the preservation of our person, may believe the other too. Would men enjoy the laws they were born to, the liberty and property which makes the subjection of this nation famous and honourable with all neighbouring kingdoms? we have done our part, to make a wall of brass for the perpetual defence of them; whilst these ill men usurp a power to undermine that wall, and to shake those foundations, which cannot be pulled down, but to the confusion of law, liberty, property, and the very life and being of our subjects. Is the dignity, privilege, and freedom of parliament (parliaments whose wisdom and gravity have prepared so many wholesome laws, and whose freedom distinguishes the condition of our subjects from those of any monarchy in Europe) precious unto our people? where was that freedom

freedom and that privilege, when the house of commons presumed to make laws without the house of peers, as they did in their vote upon the protestation, and of the 9th of September? when the house of commons and the house of peers presumed to make laws without our consent, as they have done in the business of the militia of Hull, in the behalf of their champion, serjeant major general Skippon, of the earl of Warwick, of their new general, the earl of Essex, "with whom they will live and die" and many other cases? where was that freedom and privilege, when Alderman Pennington and captain Venne brought down their myrmidons to assault and terrify the members of both houses, whose faces or whose opinions they liked not, and by that army to awe the parliament? when those rude multitudes published the names of the members of both houses as enemies to the commonwealth, who would not agree to their frantick propositions? when the names of those were given by members of the house, that they might be proscribed, and torn in pieces by those multitudes; when many were driven away for fear of their lives from being present at those consultations? and when master Hollis required the names of those lords who would not agree with the house of commons? lastly, where was, that freedom and privilege of parliament, when members of the one house that had been questioned for words spoken in the house, and one freed, the other but reprehended by vote of the major part, were again questioned by the other house, and a charge brought against them for these words?

Is honour, reputation, freedom and civility to be esteemed? what causeless defamations have been raised and entertained upon persons of quality and unblemished estimation, upon no grounds or appearance of reason, but because their opinions ran not with the torrent? what caresses have been and are made to persons loose, vicious, and debauched, of no virtue, no religion, no reputation but of malice and ingratitude to us? their names will be easily found out by all mens observation and their own blushes, though they shall not have the honour of our mention. How have the laws of hospitality and civility been violated, the freedom and liberty
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of conversation (the pleasure and delight of life) been invaded by them; the discourses at tables, whispers in gardens and walks examined, and of persons under no accusation; letters broken up (our own to our dearest consort, the Queen, not spared) read publicly and commented upon, with such circumstances as makes Christendom laugh at our follies, and abhor our correspondence!

Is peace and tranquillity dear to our subjects? to shew that we have left no way to that (not destructive to honour and justice) unattempted, we offered to lay down our arms upon no other reparations for all the indignities multiplied upon us, than these, that they should lay down theirs, so unjustifiably taken, and we have our own town, goods, and navy (taken and kept by violence from us) to be peaceably restored to us, and the power of making laws without us by the way of ordinances (which implies a power by ordinance to depose us) and that in particular concerning the militia, to be disavowed, and a safe place to be agreed on where we might be present with our great council, for the composing of all misunderstandings, and making this kingdom happy. Which offers not only were not accepted, but not so much as any answer directed immediately to us, somewhat only sent down by their under-clerk, which, with their first petition and our answer (we are much pleased to hear) are ordered to be printed and read in all churches (we desire no better evidence than our and their writings and actions, and no better judges and witnesses than our people, of our love to peace.) And even before this kind of answer came to us, whilst we, with patience and hope expecting such a return as we desired, forbore any action or attempt of force, according to our promise, sir John Hotham sallied out in the night, and murdered the persons of his fellow-subjects; and ever since in this quarrel they labour to increase their army, (the very levying of which is treason) and are ready to march against us. Let all the world judge who are lovers of the peace. Lastly, is the constitution of the kingdom to be preserved, and monarchy itself upheld? can any thing be more evident than that the end of these men is, or the conclusion which must attend their premises

must

must be, to introduce a parity and confusion of all degrees and conditions? are not several books and papers (such as the "observations upon parts of our messia-
"ges") published by their direction, at least under their countenance, against monarchy itself? is it possible for us to be made vile and contemptible, and shall our good subjects continue as they are? can our just power be taken from us, and shall they enjoy their liberty? who-
soever is a friend to the constitution of the kingdom must be an enemy to these men. How the benefit, advantages, and hopes of the kingdom have been and are advanced and promoted by these men, all good men see and discern.

Let us consider now, whether all those grievances and pressures which our subjects have heretofore suffered under, and of which our justice and favour hath eased them, be not by the faction and tyranny of these men redoubled upon our people. Were the consciences of men grieved and scandalized at the too much formality and circumstances used in the exercise of religion? and are they not equally concerned in the uncomeliness, irreverence, and profaneness now avowed to the dishonour of christianity? were they troubled to see the pulpit sometimes made a bar to plead against the liberty and property of the subject? and are they not more confounded to see it so generally made a scaffold to incite the people to rebellion and sedition against us? have our people suffered under and been oppressed by the exercise of an arbitrary power, and out of a sense of those sufferings have we consented to take away the star-chamber, the high-commission courts, to regulate the council-table, and to apply any remedies have been proposed to us for that disease? and have not these men doubled those pressures in the latitude and unlimitedness of their proceedings in their orders for the observation of the law, as they pretend, and then punishing men for not obeying those orders in a way and a degree the law doth not prescribe? in their sending for our good subjects upon general informations without proof, and for offences which the law takes no notice of? in declaring men enemies to the commonwealth, fining and imprisoning them, for doing or not doing that which

no known law enjoins or condemns? Were the pursuivants of the council table, the delay and attendance there, or at the high commission court, the judgments and decrees of the star chamber more grievous, grievous to more persons, more chargeable, more intolerable than the serjeants and officers fees, the attendance upon the houses and upon committees, or than the votes and judgments which have lately passed in one or both houses? Let all the decrees, sentences, and judgments of the high commission-court and star chamber be examined, and any found so unjust, so illegal as the proceedings against the gentlemen of Kent, for preparing and presenting a petition agreeable in form and matter to all the rules of law and justice, by which men are to be informed to ask any thing: as the judgment against Mr Binyon, that he should be disfranchised, be incapable of ever bearing office in the commonwealth, imprisoned in the goal at Colchester for the space of two years, and to pay three thousand pounds fine, nothing being charged and proved against him that any law or reason could tell him he was not to do. Tho' the sentences in the other courts were in some cases too severe, and exceeded the measure of the offence, there was still an offence, somewhat done that in truth was a crime: but here declarations, votes, and judgments pass upon our people for matters not suspected to be crimes till they are punished. And have such proceedings ever been before this parliament? If monopolies have been granted to the prejudice of our people, the calamity will not be less if it be exercised by a good lord, by a bill, than it was before by a patent; and yet the earl of Warwick thinks fit to require the letter-office to be confirmed to him for three lives, at the same time that it is complained of as a monopoly, and without the alteration of any circumstance for the ease of the subject; and this with so much greediness and authority, that whilst it was complained of as a monopoly, he procured an assignment to be made of it to him from the person complained of, after he had by his interest stopped the proceedings of the committee for the space of five months before that assignment made to him, upon pretence that he was concerned in it, and desired to be heard:

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of such sovereign power was his name, as it could be no longer a grievance to our people, if it might prove an advantage to him. A precedent very likely to be followed in many monopolies, if they may be assigned to principal members or their friends : witness the connivance now given to sir John Meldrum for his lights, since his undertaking their service at Hull. Have partiality and corruption in judges obstructed the course of justice ? was there ever such partiality and corruption, when their fellow members of either house are by them importuned and solicited for their votes in causes before them, and no other measure or rule to the justice of that faction than the opinions of the persons contending ? What sums of money have been given to, and what contracts have been made with some members of either house, who are of this powerful faction we complain of, for preserving this man from being questioned, and promoting an accusation against that man, for managing such a cause, and procuring such an order ? We are very well able to give particular information, which we shall willingly do, when there may be such a sober and secure debate as becomes the dignity and freedom of parliament, and the witnesses, now within their reach, may neither be awed nor tampered with before trial. For how little care there is taken for discoveries of this nature, appears by that which, upon complaint of a slander against Mr Pym, was justified, and the author averred against him, for taking thirty pound bribe to preserve a papist from legal prosecution, which hath been so long suffered to sleep at a committee. Our case is truly stated, so truly, that there is scarce any particular urged or alledged by us, which is not known to many, and the most to all men. And must our condition be now irreparable ? Are the injuries committed against us and the law justifiable ? And must we be censured for using all possible means to be freed from them, or to be repaired for them, because they seem to carry the name, consent, and authority of both our houses of parliament ? There is not a particular of which we complain that found not eminent opposition in both houses, and yet for the most part not above a moiety of either house present. The order of the
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the ninth of September (an order to suspend the execution of laws in force) passed when there were not above eighty commoners, of which many dissented, and but twenty lords, whereof eleven (the major part) expressly contradicted it. The first unseasonable remonstrance (the fountain from whence all the present mischiefs have flowed) was carried but by eleven voices after fifteen hours sitting, when above two hundred were absent, and was never approved by the lords. The business of the militia was at least twice rejected by double their number in the house of peers who consented to it, there being no popish lord present, and twelve bishops in the tower; and yet this proposed again, the house being made thin of those lords who had formerly opposed it, who went out immediately (it being their usual course, to watch such opportunities to effect their businesses) after Mr Hollis's threats, and then carried. The declaration against us sent to Newmarket was carried but by one voice in the house of peers, and by a small number in the house of commons. The justifying sir John Hotham in his act of high treason, was opposed by many persons of great worth, tho' neither house had half its number. And we are very far from censuring all those persons who concurred in these or any other particulars; we believe very many of them stood not in so clear a light to discern the guilt, malice, ambition, or subtilty of their seducers. But if in truth there were a consent entirely in both houses of parliament (as we are most assured there will never be) to alter the whole frame of government, must we submit to those resolutions, and must not our subjects help and assist us in the defence of laws and government established, because they do not like them? did we intend, when we called them to that great council, or did our good subjects intend, when they sent them thither in their behalfs, that they should alter the whole frame of government according to their own fancies and ambition, and possess those places during their lives? What our opinion and resolution is concerning parliaments, we have fully expressed in our declarations: we have said, and will still say, they are so essential a part of the constitution of this kingdom, that we can attain to no happiness

happiness without them, nor will we ever make the least attempt in our thoughts against them. We well know that ourself and our two houses make up the parliament, and we are like Hippocrates' twins, we must laugh and cry, live and die together; that no man can be a friend to the one, and an enemy to the other; the injustice, injury, and violence offered to parliaments, is that which we principally complain of; and we again assure all our good subjects, in the presence of Almighty God, that all the acts passed by us this parliament shall be equally observed by us, as we desire those to be which do most concern our rights.

Our quarrel is not against the parliament, but against particular men who first made the wounds, and will not now suffer them to be healed, but make them deeper and wider, by contriving, fostering, and fomenting mistakes and jealousies betwixt body and head, us and our two houses of parliament; whom we name, and are ready to prove them guilty of high treason. We desire that the Lord Kimbolton, Mr Hollis, Mr Pym, Mr Hampden, Sir Arthur Hesilrigge, Mr Stroud, Mr Martin, Sir Henry Ludlow, Alderman Pennington, and captain Venne, may be delivered into the hands of justice, to be tried by their peers, according to the known law of the land: if we do not prove them guilty of high treason, they will be acquitted, and their innocence will justly triumph over us. Against the earl of Warwick, the earl of Essex, earl of Stamford, lord Brook, Sir John Hotham, serjeant major general Skippon, and those who shall henceforth exercise the militia, by virtue of the ordinance, we shall cause indictments to be drawn of high treason upon the statute of the 25th year of K. Edward the third: let them submit to the trial appointed by law, and plead their ordinances; if they shall be acquitted, we have done.

And that all our loving subjects may know, that in truth nothing but the preservation of the true protestant religion invaded by brownism, anabaptism, and libertinism; the safety of our person, threatened and conspired against by rebellion and treason; the law of the land, and liberty of the subject, oppressed and almost destroyed by an usurped, unlimited, arbitrary power; and

and the freedom, privilege, and dignity of parliament, awed and insulted upon by force and tumults; could make us put off our long-loved robe of peace, and take up defensive arms; we once more offer a free and a gracious pardon to all our loving subjects who shall desire the same (except the persons before named,) and shall be as glad with safety and honour to lay down these arms, as of the greatest blessing we are capable of in this world. But if, to justify these actions and these persons, our subjects shall think fit to engage themselves in a war against us, we must not look upon it as an act of our parliament, but as a rebellion against us and the law in the behalf of these men, and shall proceed for the suppressing it with the same conscience and courage as we would meet an army of rebels, who endeavour to destroy both king and people: and we will never doubt to find honest men enough of our minds.

The true copy of the petition prepared by the officers of the late army, and subscribed by his majesty with C. R.

“ To the king's most excellent majesty, the lords spiritual and temporal, the knights, citizens, and burgesses now assembled in the high court of parliament,
“ The humble petition of the officers and soldiers of the army, humbly sheweth,

“ **T**HAT although our wants have been very pressing, and the burthen we are become unto these parts (by reason of those wants) very grievous unto us; yet so have we demeaned ourselves, that your majesty's great and weighty affairs in this present parliament have hitherto received no interruption by any complaint either from us or against us; a temper not usual in armies (especially in one destitute not only of pay, but also of martial discipline, and many of its principal officers :) that we cannot but attribute it to a particular blessing of Almighty God on our most hearty affection and zeal to the common good in the happy success of this parliament; to which as we should have been ready hourly to contribute our dearest blood; so now that it hath pleased God to manifest his blessing so manifestly therein, we cannot but acknowledge it with thankfulness. We cannot

“ not but acknowledge his great mercy, in that he hath
 “ inclined your majesty’s royal heart so to co-operate
 “ with the wisdom of the parliament, as to effect so
 “ great and happy a reformation upon the former dis-
 “ tempers of this church and commonwealth : As first,
 “ in your majesty’s gracious condescending to the ma-
 “ ny important demands of our neighbours of the
 “ Scottish nation ; secondly, in granting so free a
 “ course of justice against all delinquents, of what qua-
 “ lity soever ; thirdly, in the removal of all those grie-
 “ vances wherewith the subjects did conceive either
 “ their liberty of persons, property of estate, or free-
 “ dom of conscience prejudiced ; and lastly, in the
 “ greatest pledge of security that ever the subjects of
 “ England received from their sovereign, the bill of
 “ triennial parliaments. These things so graciously
 “ accorded unto by your majesty without bargain or
 “ compensation, as they are more than expectation or
 “ hope could extend unto, so now certainly they are
 “ such as all loyal hearts ought to requiesce in with
 “ thankfulness, which we do with all humility : and
 “ do at this time, with as much earnestness as any, pray
 “ and wish that the kingdom may be settled in peace
 “ and quietness, and that all men may at their own
 “ homes enjoy the blessed fruits of your wisdom and
 “ justice. But may it please your excellent majesty
 “ and this high court of parliament to give us leave,
 “ with grief and anguish of heart, to represent unto
 “ you, that we hear that there are certain persons stir-
 “ ring and practical, who, instead of rendering glory
 “ to God, thanks to his majesty, and acknowledge-
 “ ment to the parliament, remain yet as unsatisfied and
 “ mutinous as ever ; who, whilst all the rest of the
 “ kingdom are arrived even beyond their wishes, are
 “ daily forging new and unseasonable demands : who,
 “ whilst all men of reason, loyalty, and moderation,
 “ are thinking how they may provide for your majes-
 “ ty’s honour and plenty, in return of so many graces
 “ to the subject, they are still attempting new diminu-
 “ tions of your majesty’s just regalities, which must
 “ ever be no less dear to all honest men than our own
 “ freedoms ; in fine, men of such turbulent spirits, as
 “ are

“ are ready to sacrifice the honour and welfare of the
“ whole kingdom to their private fancies (whom no-
“ thing else than a subversion of the whole frame of
“ government will satisfy.) Far be it from our thoughts
“ to believe, that the violence and unreasonableness of
“ such kind of persons can have any influence upon
“ the prudence and justice of the parliament. But
“ that which begets the trouble and disquiet of our loyal
“ hearts at this present is, that we hear those ill-affected
“ persons are backed in their violence by the multitude,
“ and the power of raising tumults ; that thousands
“ flock at their call, and beset the parliament (and
“ Whitehall itself) not only to the prejudice of that free-
“ dom which is necessary to great councils and judica-
“ tories, but possibly to some personal danger of your
“ sacred majesty and peers. The vast consequence of
“ these persons malignity, and of the licentiousness of
“ those multitudes that follow them, considered, in
“ most deep care and zealous affection for the safety of
“ your sacred majesty and the parliament, our humble
“ petition is, that in your wisdoms you would be pleas-
“ ed to remove such dangers, by punishing the ring-
“ leaders of these tumults, and that your majesty and
“ the parliament may be secured from such insolenc-
“ cies hereafter. For the suppressing of which, in all
“ humility we offer ourselves to wait upon you (if you
“ please) hoping we shall appear as considerable in way
“ of defence to our gracious sovereign, the parliament,
“ our religion, and the established laws of the kingdom,
“ as what number soever shall audaciously presume to
“ violate them : so shall we, by the wisdom of your
“ majesty and the parliament, not only be vindicated
“ from precedent innovations, but be secured from the
“ future that are threatned, and likely to produce more
“ dangerous effects than the former.

“ And we shall pray, &c.”

*His majesty's declaration to all his loving subjects upon occa-
sion of his late messages to both houses of parliament, and
their refusal to treat with him for the peace of the kingdom.*

IF it had not evidently appeared to all men who have
carefully examined and considered our actions, mes-

sages, and declarations, how far we are and have been from begetting or promoting the present distractions, and that the arms we have now taken are for the necessary safety and defence of our life, being not taken up by us till our town and fort of Hull were kept from us by force of arms, our navy employed against us, to keep back all foreign supply of arms and money, when our own here was seized and detained from us, and an army raised in pay, and marching against us; yet the late reception of our message of the 25th of August, sent by persons of honour and trust, will sure satisfy the world, that we have omitted nothing on our part that a gracious and christian prince could or can do, to prevent the effusion of christian blood, but that the malignant party which have with great subtilty and industry begot this misunderstanding between us and our good subjects, resolve to satisfy and secure their malice and ambition with the ruin of the kingdom, and in the blood of us and all our good subjects.

When they had forced us, after the neglect of our message from Beverly, by raising a great army, and incensing our subjects against us, to erect our royal standard, that our subjects might be informed of our danger, and repair to our succour, though we had no great reason to believe any message of ours would receive a very good entertainment, if those men might prevail who had brought all these miseries upon the kingdom to satisfy their own private ends; yet observing the miserable accidents which already befel our good subjects by the soldiers under their command, and well knowing that greater would ensue if timely prevention were not applied, and finding that the malice and cunning of these men had infused into our people a rumor that we had rejected all propositions and offers of treaty, and desired to engage our subjects in a civil war, which our soul abhors, we prevailed with ourself (for a full expression of our desire to prevent the effusion of blood) to send a gracious message to both our houses of parliament on the 25th of August in these words;

[See Vol. I. page 200]

Our messengers were not suffered to sit in the houses, and one of them, the earl of Southampton (against whom

whom there was not the least colour of exception, or so much as a vote) not suffered to deliver our message, but compelled to send it by the gentleman usher, and then commanded to depart the town before they would prepare any answer; which they shortly sent us in these words;

“ May it please your Majesty,

“ **T**HE lords and commons in parliament assembled having received your majesty’s message of the 25th of August, do with much grief resent the dangerous and distracted state of this kingdom, which we have by all means endeavoured to prevent, both by our several advices and petitions to your majesty, which have been not only without success, but there hath followed that which no ill counsel in former times hath produced, or any age hath seen, namely, those several proclamations and declarations against both the houses of parliament, whereby their actions are are declared treasonable, and their persons traitors; and thereupon your majesty hath set up your standard against them, whereby you have put the two houses of parliament, and in them, this whole kingdom, out of your protection; so that until your majesty shall recal those proclamations and declarations whereby the earl of Essex and both houses of parliament, and their adherents and assistants, and such as have obeyed and executed their commands and directions according to their duties, are declared traitors, or otherwise delinquents, and until the standard set up in pursuance of the said proclamations be taken down, your majesty hath put us into such a condition, that, whilst we so remain, we cannot by the fundamental privileges of parliament, the publick trust reposed in us, or with the general good and safety of this kingdom, give your majesty any other answer to this message.

“ Joh. Brown Cler. Parliament.

“ H. Elfinger Cler. Parl. D. Com.’

This strange answer might well have discouraged us from any thought of proceeding farther this way, and informed us sufficiently what spirit still governed amongst those few who continued still in both houses;

otherwise, after so many bitter and invective messages and declarations sent to us and published against us, we should not have been reproached with our proclamations and declarations set forth by us as the effect of such evil counsel as was unparalleled by any former examples. We believe indeed such proclamations and declarations have never been before set forth; but were former times ever acquainted with such intolerable provocations? Were there ever, before these twelve months, declarations published in the name of either or both houses of parliament to make their king odious to the people? Have either or both houses ever before assumed or pretended to a power to raise arms or levy war in any cause? or can both houses together exercise such a power? Are those actions which the law hath defined literally and expressly to be treasonable, or such persons to be traitors, not so, because they are done by members of either house, or their appointment? And must not we declare such who march with arms and force to destroy us to be traitors, because the earl of Essex is their general? Those whom we have or do accuse we have named, together with their crimes, notorious by the known law of the land (a favour not granted to our evil counsellors) and appeal to that known law to judge between us: And now that by this we should have put the whole kingdom out of our protection) in whose behalf we do all that we have done) is a corrupt gloss upon such a text as cannot be perverted but by the cunning practices of such who wish not well to king or people. Yet that no weak persons might be misled by that imputation upon us, we sent a reply to that answer in these words: [See Vol. I. p. 202.]

This message produced an answer little differing from the former: like men who had no other measure of the justice of their cause than their power to oppress us, forgetting their own duties, they sharply inform us of ours in these words;

“ May it please your majesty,

“ **I**F we the lords and commons in parliament assembled should repeat all the ways we have taken, the endeavours we have used, and the expressions we have made unto your majesty to prevent those dis-

“ tract-

“tractions and dangers your majesty speaks of likely
“to fall upon this kingdom; we should too much en-
“large this reply. Therefore as we humbly, so shall
“we only, let your majesty know, that we cannot re-
“cede from our former answer, for the reasons therein
“expressed: for that your majesty hath not taken
“down your standard, recalled your proclamations
“and declarations, whereby you have declared the
“actions of both houses of parliament to be treasonable;
“and their persons traitors. And you have published
“the same since your message of the 25th of August,
“by your late instructions sent to your commissioners
“of array. Which standard being taken down, and
“the declarations, proclamations, and instructions re-
“called, if your majesty shall then upon this our humble
“petition, leaving your forces, return unto your par-
“liament, and receive their faithful advice, your maje-
“sty will find such expressions of our fidelities and
“duties, as shall assure you that your safety, honour,
“and greatness can only be found in the affections of
“your people, and the sincere counsels of your parlia-
“ment, whose constant and undiscouraged endeavours
“and consultations have passed through difficulties
“unheard-of, only to secure your kingdoms from the
“violent mischiefs and dangers now ready to fall upon
“them, and every part of them, who deserve better of
“your majesty, and can never allow themselves (re-
“presenting likewise your whole kingdom) to be ba-
“lanced with those persons whose desperate dispositions
“and counsels prevail still so to interrupt all our en-
“deavours for the relieving of bleeding Ireland, as we
“may fear our labours and vast expences will be fruit-
“less to that distressed kingdom. As your presence
“is thus humbly desired by us: so is it in our hopes
“your majesty will in your reason believe, there is no
“other way than this to make yourself happy and your
“kingdom safe. John Brown, Cler. Parliament.”

Without any bitterness or reprehension of their ne-
glect of us and the publick peace, to express our deep
sense of the calamities at hand, we yet once more (hop-
ing to awake them to a Christian tenderness towards
the whole kingdom) sent to them in these words; [See
Vol. I. p. 202]

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But as if all these gracious messages had been the effects only of our weakness, and instances of our want of power to resist that torrent, they deal at last more plainly with us, and after many sharp, causeless, and unjust reproaches, they tell us in plain English, that without putting ourself absolutely into their hands, and deserting all our own force, and the protecting of all those who have faithfully appeared for us according to their duty, there would be no means of a treaty; although our extraordinary desire of peace had prevailed with us to offer to recal our most just declarations, and to take down our standard set up for our necessary defence, so their unjustifiable declarations might be likewise recalled. Their answer follows in these words;

“ **W**E the lords and commons in parliament assembled, do present this our humble answer to
 “ your majesty's message of the 11th of this instant
 “ month of September. When we consider the oppressions, rapines, firing of houses, murders, (even
 “ at this time whilst your majesty propounds a treaty)
 “ committed upon your good subjects by your soldiers,
 “ in the presence and by the authority of their commanders, being of the number of those whom your
 “ majesty holds yourself bound in honour and conscience to protect as persons doing their duties; we
 “ cannot think your majesty hath done all that in you
 “ lies to prevent or remove the present distractions;
 “ nor so long as your majesty will admit no peace, without securing the authors and instruments of these
 “ mischiefs from the justice of the parliament, which
 “ yet shall be ever dispensed with all requisite moderation and distinction of offences, although some of
 “ those persons be such in whose preservation your
 “ kingdom cannot be safe, nor the unquestionable
 “ rights and privileges of parliament be maintained,
 “ without which the power and dignity thereof will
 “ fall into contempt. We beseech your majesty therefore to consider your expressions, that God should
 “ deal with you and your posterity as your majesty desires the preservation of the just rights of parliament;
 “ which being undeniable in the trying of such as we
 “ have

“ have declared to be delinquents, we shall believe your
“ majesty both towards yourself and parliament, will
“ not in this privilege we are most sensible of deny us
“ that which belongs unto the meanest court of justice
“ in this kingdom. Neither hath your majesty cause
“ to complain that you are denied a treaty, when we
“ offer all that a treaty can produce or your majesty
“ expect, security, honour, service, obedience, suppo
“ and all other effects of an humble, loyal and faithful
“ subjection ; and seek nothing but that our religion,
“ liberty, peace of the kingdom, safety of the parlia
“ ment, may be secured from the open violence and
“ cunning practices of a wicked party, who have long
“ plotted our ruin and destruction. And if there
“ were any cause of treaty, we know no competent
“ persons to treat betwixt the king and parliament ; and
“ if both cause and persons were such as to invite treaty,
“ the season is altogether unfit, whilst your majesty's
“ standard is up, and your proclamations and declara
“ tions unrecalled, whereby your parliament is charged
“ with treason. If your majesty shall persist to make
“ yourself a shield and defence to those instruments, and
“ shall continue to reject our faithful and necessary ad
“ vice for securing and maintaining religion and liber
“ ty, with the peace of the kingdom and safety of the
“ parliament, we doubt not but to indifferent judgments
“ it will easily appear who is most tender of that inno
“ cent blood which is like to be spilt in this cause ; your
“ majesty, who by such persisting doth endanger your
“ self and your kingdoms, or we, who are willing to
“ hazard ourselves to preserve both. We humbly be
“ seech your majesty to consider how impossible it is
“ that any protestation, though published in your ma
“ jesty's name, of your tendernefs of the miseries of
“ your protestant subjects in Ireland, of your resolution
“ to maintain the protestant religion and laws of this
“ kingdom, can give satisfaction to reasonable and in
“ different men, when at the same time divers of the
“ Irish traitors and rebels, the known favourers of them
“ and agents for them, are admitted to your majesty's
“ presence with grace and favour, and some of them
“ employed in your service ; when the cloaths, munition,

" horses, and other necessaries, bought by your parlia-
 " ment, and sent for the supply of the army against the
 " rebels there, are violently taken away, some by your
 " majesty's command, others by your ministers, and
 " applied to the maintenance of an unnatural war
 " against your people here. All this notwithstanding,
 " as we never gave your majesty any just cause of with-
 " drawing yourself from your great council, so it hath
 " ever been and shall ever be far from us to give any
 " impediment to your return, or to neglect any proper
 " means of curing the distempers of the kingdom, and
 " of closing the dangerous breaches betwixt your
 " majesty and your parliament, according to the great
 " trust which lies upon us: and if your majesty shall
 " now be pleased to come back to your parliament
 " without your forces, we shall be ready to secure your
 " royal person, your crown and dignity, with our lives
 " and fortunes; your presence in this your great coun-
 " cil being the only means of any treaty betwixt your
 " majesty and them with hope of success. And in none
 " of our desires to your majesty shall we be swayed by
 " any particular man's advantage, but shall give a clear
 " testimony to your majesty and the whole world, that
 " in all things done by us we faithfully intend the good
 " of your majesty and of your kingdoms, and that we
 " will not be diverted from this end by any private or
 " self-respects whatsoever:

Jo. Brown Cler. Parliament."

They will not believe we have done all that in us
 lies to prevent and remove the present distractions, be-
 cause of the oppressions, rapines, and the like, commit-
 ted upon our good subjects by our soldiers. Let them
 remember who have compelled us, and against our
 soul's desire forced us to raise those soldiers; and then
 if the oppressions and rapines were indeed such as are
 falsely pretended, our poor subjects who suffer under
 them will look on them, and only on them, as the au-
 thors of all the miseries they do or can undergo. We
 confess with grief of heart some disorders have and
 many more may befall our good people by our soldiers;
 but we appeal to all those counties through which we
 have passed, what care we have taken to prevent, and
 what

what justice we daily inflict upon such offenders: neither hath the least complaint been ever made to us of violences and outrages which we have not to our utmost power repaired or punished; however those false and treasonable pamphlets are suffered, which accuse us of giving warrant for plundering of houses. Our mercy and lenity is so well known to the contrary, that it is usually made an excuse by those who against their consciences assist this rebellion against us, that they choose rather to offend us, upon the confidence of pardon, than provoke those malignant persons, who without charity or compassion destroy all who concur not with them in faction and opinion. How far we are from rapine and oppression may appear by our lenity to the persons and estates of those who have not only exercised the militia (the seed from whence this rebellion against us hath grown) but contributed money and plate to the maintenance of that army which now endeavours to destroy us; as of Nottingham, Leicester, and many other places through which we have passed, many of whom were and now are in that army: to let pass our passing by Chartly (the house of the earl of Essex) without other pressures than as if he were the general of our own army, and our express orders to restrain the liberty our soldiers would otherwise have used upon that place and his estate about it. How contrary the proceedings are of these great assertors of the public liberties, appears fully by the sad instances they every day give in the plundering by public warrant the houses of all such whose duty, conscience, and loyalty hath engaged them in our quarrel, which every good man ought to make his own; by their declaring all persons to be out of the protection of parliament (and so exposing them to the fury of their soldiers) who will not assist this rebellion against us, their anointed king: by the daily outrages committed in Yorkshire, when, contrary to the desire and agreement of that county (signed under the hands of both parties) they will not suffer the peace to be kept, but that the distractions and confusion may be universal over the whole kingdom, direct their governor of Hull to make war upon our good subjects in that county, and so continue the robbing and

plundering the houses of all such who concur not with them in this rebellion; lastly, by the barbarous, sacrilegious inhumanity exercised by their soldiers in churches, as in Canterbury, Worcester, Oxford, and other places, where they committed such unheard-of outrages as Jews and atheists never practised before. God in his good time will make them examples of his vengeance. We never did nor ever will desire to secure the authors and instruments of any mischiefs to the kingdom from the justice of parliament: we desire all such persons may be speedily brought to condign punishment by that rule which is, or ought to be, the rule of all punishment, the known law of the land. If there have seemed to be any interruption in proceedings of this nature, it must be remembered how long persons have been kept under general accusations without trial, tho' earnestly desired; that the members who were properly to judge such accusations have by violence been driven thence, or could not with honour and safety be present at such debates; that notorious delinquents by the known laws were protected against us from the justice of the kingdom, and such called delinquents who, committing no offence against any known law, were so voted only for doing their duties to us; and then there will be no cause of complaint found against us. And for the privileges of parliament, we have said so much and upon such reasons, (which have never been answered but by bare positive assertions) in our several declarations, that we may well and do still use the same expression, that we desire God may so deal with us and our posterity, as we desire the preservation of the just rights of parliament; the violation whereof in truth by these desperate persons is so clearly known to all men who understand the privileges of parliament, that their rage and malice hath not been greater to our person and government, than to the liberty, privilege, and very being of parliaments; witness their putting in, putting out, and suspending what persons they please, as they like or dislike their opinions; their bringing down the tumults to assault the members and awe the parliament; their posting and prosecuting the members of either house as concurred not with them in their designs, and so driving them
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from thence for the safety of their lives; their denying us, against the known, established law, and the constitution of the kingdom, to have a negative voice, without which no parliament can consist; their making close committees, from whence the members of the houses are exempted, against the liberty of parliament; and lastly, resolving both houses into a close committee of seventeen persons, who undertake and direct all the present outrages and the managery of this rebellion against us, in the absence of four parts of five of both houses, and without the privity of those who stay there; which is not only contrary, but destructive to parliaments themselves. By these gross, unheard-of invasions and breaches of the privileges of parliament (and without them they could not have done the other) they made way for their attempts upon the law of the land, and the introduction of that unlimited arbitrary power which they have since exercised to the intolerable damage and confusion of the whole kingdom. And we assure our good subjects, the vindication of these just liberties and privileges of parliament, thus violated by these men, is not less the argument of our present quarrel and undertaking, than our own honour, interest, and safety; those being no way so securely to be preserved, as by preserving parliaments and their just privileges. Neither is there any protestation, to our knowledge, published in our name of our tenderness of the miseries of Ireland, and our resolution to maintain the protestant religion and laws of this kingdom, that is not the protestation of our soul, and manifested in all our actions; and we hope that false scandal, that divers of the Irish traitors and rebels, the known favourers of them and agents for them, are admitted to our presence with favour, and employed in our service, will gain no credit with good men, who remember well the notorious imputation so confidently and groundlessly heretofore cast on us by Mr Pym, of which as there could never be the least proof, so we could never receive any satisfaction for that high injury, which might have been a warning to them to have published no more such untruths, if they had not found that truth and their ends cannot meet together.

For the horses taken for our service, which were provided for the service of Ireland, it is true, we were compelled for the bringing our own waggons from Chester, for the carriage of our munition to make use of them, being few in number and of small value, after they were certified to be of no use for the service for which they were provided. And for the clothes, upon enquiry we find that some few were taken by our soldiers (but without any order from us) going to Coventry, and as was probably believed for the relief of that place, then in actual rebellion against us. But how far we have been and are from diverting any of those provisions made for the relief of that poor kingdom (the thought of whose miserable condition makes our heart bleed) may appear by our express command given for the speedy transportation of 3000 suits of clothes, which we found provided at Chester, but neglected to be sent. and which no necessity of our own army here could prevail with us to seize. And how bold soever the reproaches of that kind have been upon us, we are confident malice itself cannot lay the least probable imputation upon us for the neglect of our duty towards that kingdom. What one thing in our power have we neglected or omitted, which might contribute to the assistance or ease of our poor protestant subjects there? We first recommended the care of that business to both our houses of parliament; we consented to all propositions made on the behalf, offered to raise 10,000 volunteers (which if then accepted, had shortened that work) offered to venture our own person in the service; (what interpretation that offer of ours found is known to all the world) we parted with our interest in the land of the rebels, to encourage such as were willing to adventure in that business, and when money is raised by our consent for that sole purpose, they have at once seized on a hundred thousand pounds, particularly appointed by act of parliament for the relief of Ireland (our army being ready to perish for want of it) and employed it to maintain this unnatural civil war at home. They have levied men, and entertained commanders for that service, and then compelled them to join in this rebellion, and to march against us. And though they have complained
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of our keeping the lieutenant of Ireland some weeks with us, (when in truth it was a season of extraordinary business) after we had in vain for many months pressed his dispatch, yet themselves now detain him, when his going is so necessary for the preservation of that kingdom. And no doubt these men (and these alone) by begetting this miserable distraction of England, are guilty before God and man of all the insupportable calamities that our kingdom of Ireland endures. Let all the world judge where the desire of peace is, and unto whose account the blood and confusion which hath been shed and must follow hath been cast, and whether the several proclamations and declarations published by us have been extorted from us by such unheard of insolencies and injuries which no former times ever produced. Neither can any sober man wonder, when we are publicly reproached, traduced and reviled to our people (a practice never known till this parliament) that we endeavour by a true relation and declaration of our actions and intentions, and of their conspiracies who have vowed our destruction, to inform our good subjects of the cunning and malice they are to encounter with; and when a combination is entered into to destroy us, and to alter the religion and law of the kingdom, and to that purpose an army raised and marching against us, that we proclaim the general of that army, and such who shall assist him in levying a war against us to be traitors, and have set up our royal standard, and required all our good subjects to come to our defence. And yet both in that proclamation and in all our declarations we have never accused our parliament, but such factious, seditious members of both houses whom we have named, and whom we are ready to prove, according to the rules of the known law, to be guilty of high treason. We well know, and all the kingdom knows, that of near 500 members which the house of commons contains, there remains not now there 100, neither hath above such a number consented almost to any thing of which we have ever complained: the rest have either been driven away by tumults and threats of the persons whom we have accused, or out of conscience withdrawn themselves from their
despe-

desperate consultations: and of about 100 peers of the realm, there are not above 15 or 16 who concur in these miserable resolutions which disturb the publick peace; many of which being of desperate fortunes, have no other support than the commands given them to make war upon us; and now these men must sit upon the lives and fortunes of all the nobility, gentry and commons of England; and because we will not put ourself into the hands, government, and disposal of them, all our good subjects are invited and encouraged to rebel against us. Yet we have been and are still, far from accusing all that small number of both houses who are yet left together. We believe many of them are misled by the cunning and malice, and frightened by the power of those men whom we have accused: against every one of whom we have evidence of matter of fact, that the known law of the land determines to be high treason. And now, that all our good subjects may see how desirous these men and their adherents are to prevent the effusion of blood, and the lasting miseries of a civil war, they will make themselves so considerable, that except we will recal our proclamations and declarations, whereby those persons particularly named, for particular actions, which the law hath defined to be treason, are so accused, and others warned from involving themselves in their guilt, and except we will take down our standard, that our good subjects may not repair to us for our defence, when so many armies are raised against us in several parts of the kingdom, and ready to destroy us, and such of our good subjects who dare continue loyal to us, and except we will return to London, from whence with violence we have been driven, we must not be treated with, or receive any answer to so gracious a message.

It can no longer be doubted by any man who hath not wilfully forsaken his understanding, that it is no more a quarrel undertaken by the parliament, but contrived and fomented by the persons we have named, and now continued solely in their defence, to whose ambition, faction and malice, the true reformed protestant religion, the just right, honour, safety, and life of us and our posterity, the law of the land, which hath so long pre-

preserved this nation happy, the liberty of the subject established by that law, and the glorious frame and constitution of this kingdom, must be sacrificed. But as we have hitherto left no action unperformed which in honour, justice, and conscience we were obliged to do, or in christian policy and prudence we could conceive might probably prevent these calamities; so we thank God he hath given us a full courage and resolution to run the utmost hazard of our life for the suppression of this horrible rebellion, in the which no disproportion of power, arms, or money shall discourage us. And we hope that all our good subjects besides, by the common duty of allegiance, will be stirred up for their own sakes, for the preservation of the blessed protestant religion, and for the upholding this whole admirable frame of government, which being dissolved, all their private and particular rights and interests must be immediately confounded, to bring in their utmost power and assistance unto us, in this desperate exigent. And we do declare, that whosoever shall lose his life in this service for our defence, the wardship of his heir shall be granted by us, without rent or fine, to his own use; and we shall hold ourself obliged to take all possible care for the support, relief, and protection of all their wives and children, who shall have the hard fortune to die in this service.

CHARLES R. Our expresse pleasure is, that this our declaration be published in all churches and chapels within the kingdom of England and dominion of Wales by the parsons, vicars, or curates of the same.

His Majesty's declaration to all his loving subjects, after his late victory against the rebels, on Sunday the 23d of October, 1642.

AS we must wholly attribute the preservation of us and our children in the late bloody battle with the rebels to the mercy and goodness of almighty God, who best knowing the justice of our cause, and the uprightness of our heart to his service, and to the good and welfare of our people, would not suffer us and this whole kingdom to be made a prey to those desperate persons: so we hold it our duty still to use all possible means to

remove that jealousy and misunderstanding from our good subjects, which by the industry and subtilty of that malignant party (which hath brought this mischief and confusion upon the kingdom) hath been infused into them; and to that purpose (though even those scandals are sufficiently answered by many of our declarations and messages, and by our late protestation made in the head of our army, which we shall always by the help of God stedfastly and solemnly observe) we shall take notice of those subtil insinuations by which at this present (according to that observation we can make, and information we can receive) they endeavour to poison the hearts and corrupt the allegiance of such of our good subjects who cannot so clearly discern their malice and impostures: first, by urging and pressing that false groundless imputation of our favouring popery, and our employing many of that religion now in our army; secondly, by seducing our good people to believe that this army raised, and kept for our necessary defence (and without which, in all probability, the malice of these men had before this taken our life from us) is to fight against and subdue the parliament, to take away the privileges thereof, and thereby to root out parliaments. If either of which were true, we should not have the courage with an army much greater than ours to hope for success.

For the first, for our affection to that religion, our continual practice, our constant profession and several protestations will satisfy all the world, against which malice and treason itself cannot find the least probable objection: we wish from our heart the zeal and affection of these men to the true protestant religion were as apparent as ours. For the employing men of that religion in our present service in the army; whoever considers the hardness and straits the malice and fury of these men have driven us to, their stopping all passages and ways, that neither men nor money might come to us, their declaring all such to be traitors who shall assist us, their entertaining men of all countries, all religions, to serve against us, would not wonder if we had been very well contented to have received the service and assistance of any of our good subjects who had loyalty
enough

enough (whatsoever their religion is) to bring them to our succour. All men know the great number of papists, which serve in their army, commanders and others, the great industry they have used to corrupt the loyalty and affection of all our subjects of that religion, the private promises and undertakings they have made to them, that if they would assist them against us, all the laws made in their prejudice should be repealed: yet neither the weakness of our own condition, nor the other arts used against us, could prevail with us to invite those of that religion to come to our succour, or to recal our proclamation, which forbade them so to do. And we are confident (though we know of some few whose eminent abilities in command and conduct, and moderate and unfactionous dispositions, hath moved us in this great necessity to employ them in this service) that a far greater number of that religion is in the army of the rebels than in our own. And we do assure our good subjects, though we shall always remember the particular services which particular men have or shall in this exigent of ours perform to us, with that grace and bounty which becomes a just prince; yet we shall be ~~so~~ far from ever giving the least countenance or encouragement to that religion, that we shall always use our utmost endeavour to suppress it, by the execution of those good and wholesome laws already in force against papists, and concurring in such further remedies as the care and wisdom of us and both houses of parliament shall think most necessary for the advancement of God's service. For the second, of our intention to make war upon our parliament, and so to root out parliaments; the scandal is so senseless, when our accusation of a few particular persons for particular crimes, notoriously committed, adjudged by the known laws of the land to be treason, is evident, that no man can be moved with it, who doth not believe a dozen or twenty factious, seditious persons to be the high court of parliament, which consists of king, lords, and commons. And for the privileges of it, whoever doth not believe that to raise an army to murder and depose the king, to alter the whole frame of government and established laws of the land by extemporary, extravagant votes and resolutions of
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either or both houses, to force and compel the members to submit to the faction and treason of a few, and to take away the liberty and freedom of consultation from them, be the privileges of parliament, must confess that the army now raised by us is no less for the preservation of parliaments than for our own necessary defence. We have often said, and we still say, that we believe many inconveniencies have grown upon this kingdom by the long intermission of parliaments; that parliaments are the only necessary sovereign remedies of the growing mischiefs which time and accidents have and will always beget in this kingdom, that without parliaments the happiness cannot be lasting to king or people: we have prepared for the frequent assembling of parliaments, and will be always as careful of their just privileges as of our life, honour, or interest; but that those privileges should extend so far as hath been lately declared, that it should not be lawful for us to apprehend the lord St. John, captain Wingate, or captain Walton, when they came to destroy us, because they were members of parliament, without the consent of that house of which they were members, is so ridiculous, that there need no more to be said in this argument than the giving these instances. In a word, as whoever knows in what danger our person was on Sunday the 23d of October, can never believe that the army which gave us battle was raised for our defence and preservation: so when they consider how much the liberty of the subject is invaded by their rapine and imprisoning, and that four parts at the least of five of the members of both houses are by violence driven from being present in that council; that the book of common prayer is rejected, and no countenance given but to Anabaptists and Brownists, they will easily find the pretences of care of the protestant religion, the liberty of the subject, and of the privilege of parliament, to be as vain and pretended, as those which refer to the safety of our person and preservation of our posterity.

We cannot omit the great pains and endeavours these great pretenders to peace and charity have taken to raise an implacable malice and hatred between the gentry and commonalty of the kingdom, by rendering
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all persons of honour, courage, and reputation odious to the common people, under the stile of cavaliers; infomuch as the highways and villages have not been safe for gentlemen to pass through without violence or affronts: and by infusing into them that there was an intention by the commission of array, to take away a part of their estates from them; a scandal so senseless and impossible, that the contrivers of it well know that they might with equal ingenuity have charged against us with a purpose of introducing Turcisme or Judaisme amongst them: and we hope when our good subjects have well weighed the continual practices of these men to reject all offers of treaty, and to suppress truth, and to mislead them by bold and monstrous falsehoods, they will not think such arts and ways to lead to peace and unity. And we desire our good subjects of all conditions to believe that we hold ourself bound no less to defend and protect the meanest of our people (who are born equally free, and to whom the law of the land is an equal inheritance) than the greatest subject; and that as the wealth and strength of this kingdom consists in the number and happiness of our people, which is made up of men of all conditions, so we shall, to the utmost of our power, endeavour, without distinction, to give every one of them that justice and protection which is due to them: and we do exhort them all to that charitable and brotherly affection one towards another, that they may be reconciled in a just duty and loyalty to us, which may enable us for that protection.

To conclude, we would have all the world know, that we shall never forget the protestations and vows we have made to Almighty God in our several declarations and messages to both our houses of parliament. And we are too much a Christian to believe that we can break those promises, and avoid the justice of heaven.

CHARLES R.

Our expresse pleasure is, That this our declaration be published in all churches and chapels within the kingdom of England and dominion of Wales, by the parsons, vicars, or curates of the same.

PAPERS which passed betwixt His MAJESTY and the DIVINES who attended the Commissioners of the Two Houses, at the Treaty at Newport in the Isle of Wight, concerning Church-Government.

[The first Paper in this Controversy, being "His Majesty's reason why he cannot in Conscience consent to abolish the Episcopal Government," is in Vol. I. page 192.]

II. *An humble Answer returned to your Majesty's Paper delivered to us, October 2, 1648.*

May it please your majesty,

1. **W**E do fully agree without hesitation, that these scriptures cited in the margin of your paper, *Acts* xiv. 23. *Acts* vi. 6. *1 Cor.* xvi. i. *1 Cor.* xiv. *1 Cor.* v. 3. 3. *John* 9, and 10. do prove that the Apostles did ordain presbyters and deacons, give rules concerning christian discipline, and had power of exercising censures over presbyters and others: and that these places of scripture, *1 Tim.* v. 22. *Tit.* i. 5. *1 Tim.* v. 19. *Titus* iii. 10. do prove that *Timothy* and *Titus* had power to ordain presbyters and deacons, and to exercise censures over presbyters and others: and that the second and third chapters of the Revelation do prove, that the *Angels* of the churches had power of governing of the churches, and exercising censures.

2. But that either the apostles, or Timothy and Titus, or the angels of the churches were *bishops*, as bishops are distinct from presbyters, exercising episcopal government in that sense; or that the apostles did commit and derive to any particular persons, as their substitutes and successors, any such episcopal government; or that this is proved in the least measure by the scriptures alleged, we do as fully deny. And therefore do humbly deny also, that episcopal government is therefore most consonant to the word of God, and of apostolical institution, or proved so to be by these scriptures. None of these were bishops, or practised episcopal government, as bishops are distinct from presbyters. Neither is such an officer of the church as a bishop distinct from a presbyter to be found in the New Testament (by which we humbly conceive that our faith and conscience touching this point ought to be concluded.) The name, office and work of bishop and presbyter being one and the same in all things, and never in the least distinguished, as is clearly evident, *Titus* i. 5. 7. *For this cause left I thee in Crete, that thou shouldest set in order the things that are wanting, and ordain presbyters in every city, as I had appointed thee. For a bishop must be blameless.* In which place the apostle his reasoning were altogether invalid and inconsequent, if presbyter and bishop were not the same office, as well as they have the same name.

The same is manifest, *Acts* xx. 17, 28. *And from Miletus he sent to Ephesus, and called the presbyters of the church, to whom he gave this charge, verse 28. Take heed therefore unto yourselves, and to all*

all the flock over which the Holy Ghost hath made you bishops, ποιμαίνετε, to feed and govern the church of God. Where we observe, that the apostle being to leave these presbyters, and never to see their faces more, verse 28. doth charge them with the feeding and governing of the church, as being bishops of the Holy Ghost's making. But that the Holy Ghost did make any superior or higher kind of bishops than these common presbyters, is not to be found in that or any other text.

And that under the mouth of two or three witnesses this assertion of ours may stand; we add to what we have already said, that in 1 Pet. v. i. 2. *The presbyters which are among you I exhort, who are also a presbyter; feed the flock of God which is among you, ἐπισκοπῶντες*, performing the office of bishops. Where it appears plain to us, that under the words ποιμαίνειν and ἐπισκοπῶν, used in this place, is expressed whatsoever work the presbyters are to do. Neither can bishops, so called, as above presbyters, do more for the government and good of the church otherwise than is there expressly enjoined unto presbyters. By all which that hath been said, the point is rendered to be most clear to the judgment of most men, both ancient and of later times, that there is no such officer to be found in the scriptures of the New Testament as a bishop distinct from a presbyter: neither doth the scripture afford us the least notice of any qualification required in a bishop that is not required in a presbyter, nor any ordination to the office of a bishop distinct from a presbyter, nor any work or duty charged upon a bishop which presbyters are not enjoined to do, nor any greater honour or dignity put upon them. For that double honour which the apostle speaks of, 1 Tim. v. 17. as due to presbyters that rule well, is with a note of especially affixed to that act or work of labouring in the word and doctrine, which is not that act wherein bishops have challenged a singularity or peculiar eminency above the presbyters.

3. To that which your majesty doth conceive, "that episcopal government was practised by the apostles themselves;" we humbly answer, that the apostles, as they were the highest officers of the church of Christ, so they were extraordinary in respect of their commission, gifts and office, and distinguished from all other officers, 1 Cor. xii. 28. *God hath set some in the church, first, apostles, secondarily, prophets, thirdly, teachers*; Ephes. iv. 11. *Christ gave some apostles, and some prophets, and some evangelists, and some pastors and teachers*. Where the apostles are distinguished from pastors and teachers, who are the ordinary officers of the church, for preaching the word, and government. That they had power and authority to ordain church-officers, and to exercise censures in all churches, we affirm; and withal, that no other persons or officers of the church may challenge or assume to themselves such power in that respect alone, "because the apostles practised it:" except such power belong unto them in common, as well as to the apostles, by warrant of the scripture. For that government which they practised was apostolical, according to the peculiar commission and authority which they had, and no otherwise to be called episcopal, than as their office was so comprehensive, as they had power to do the work of any or all other church-

church-officers; in which respect they call themselves *presbyterii*, *diaconi*, (but never *episcopi* in distinct sense :) and therefore we humbly crave leave to say, that to argue the apostles to have practised episcopal government, because they ordained other officers, and exercised censures, is as if we should argue a justice of peace to be a constable, because he doth that which a constable doth in some particulars. It is manifest that the office of bishops and presbyters was not distinct in the apostles. They did not act as bishops in some acts, and as presbyters in other acts: the distinction of presbyters and bishops being made by men in after-times.

And whereas your majesty doth conceive that the *episcopal* government was by the apostles "committed and derived to particular persons, as their substitutes or successors therein, as for ordaining presbyters and deacons, giving rules concerning christian discipline, and exercising censures over presbyters and others," seeming by the alleged places of scripture to instance in Timothy and Titus, and the angels of the churches; we humbly answer, and first, to that of Timothy and Titus. We grant that Timothy and Titus had authority and power of ordaining presbyters and deacons, and exercising censures over presbyters and others: tho' we cannot say they had this power as the apostles substitutes or successors in episcopal government; nor that they exercised the power they had as being bishops in the sense of your majesty; but as extraordinary officers or evangelists, which *evangelists* were an office in the church distinct from *pastors* and *teachers*, *Eph. iv. 11.* and that they were *evangelists*, it appears by their being sent up and down by the apostles, or taken along with them in company to several churches, as the necessity and occasion of the churches did require: the one of them being expressly called an *evangelist*, *1 Tim. iv. 5.* and neither of them being anywhere in scripture called *bishop*. Neither were they fixed to Ephesus and Crete, as bishops in the churches committed to them; but removed from thence to other places, and never, for ought appears in scripture, returned to them again. And it seems clear to us, that neither their abode at Ephesus and Crete was for any long time, nor so intended by the apostle. For he employs them there upon occasional business, and expresses himself in such manner, *I besought thee to abide still at Ephesus when I went into Macedonia, that thou mightest charge some that they teach no other doctrine*, *1 Tim. i. 3.* *For this cause left I thee in Crete*, *Tit. i. 5.* as doth not carry the fixing or constituting of a bishop in a place as perpetual governor. And it is as manifest that they were both of them called away from these places: *2 Tim. iv. 9.* *Do thy diligence to come to me shortly*; *Tit. iii. 12.* *Be diligent to come to me to Nicopolis.* So that they may as well be called bishops of any other cities or churches, where they had any considerable abode, as they are pretended to have been of Ephesus and Crete; as they are called by the postscripts of these epistles; the credit of which postscripts we cannot build upon in this point.

5. Secondly, to that of the *angels of the churches*. The ministers of the churches are called *stars*, and *angels*, which denominations are metaphorical and in a *mystery*, *Rev. i. 20.* *the mystery of the seven stars*; *angels* in respect of their mission or sending, *stars* in respect of their station and shining. And it seems strange to us, that to so many

many exprefs testimonies of ſcripture, an allegorical denomination or myſtery ſhould be oppoſed: theſe angels being no where called *biſhops* in vulgar acceptation; nor the word *biſhop* uſed in any of John's writings, who calls himſelf *preſbyter*; nor any mention of ſuperiority of one *preſbyter* to another, but in Diotrephes affecting it. And as to that which may be ſaid, that "the epiſtles are directed to one," we answer, that a number of perſons are in the myſteries and prophetic writings expreſſed in ſingulars; and we humbly conceive, that being written in an epiſtolary ſtile, (for they are letters or epiſtles to the churches) theſe writings are directed as letters to collective representative bodies uſed to be, that is, to one, but intended and meant to that body in meeting aſſembled: which that they were ſo intended is clear to us, both becauſe there were in Ephesus biſhops and *preſbyters*, one and the ſame, to whom the apoſtle at his farewell commended the government of the church; and by divers expreſſions in theſe epiſtles, as *Rev. 2. 24. To you and to the reſt in Thyatira*: by which diſtinction of *you and the reſt*, we conceive the particular governors (which were more than one) and the people to be ſignified. And ſo cannot conſent that any ſingular perſon had majority over the reſt, or ſole power of exerciſing church-cenſures and government ſpoken of in theſe chapters.

6. Having thus (as we humbly conceive) proved by pregnant places of ſcripture compared together, that the apoſtles themſelves did not "inſtitute or praſtiſe epiſcopal government, nor commit and derive" it to particular perſons, as their ſubſtitutes or ſucceſſors therein; we ſhall, in farther diſcharge of our duty to, and for the more clear and full ſatisfaction of, your majeſty in this point, briefly declare into what officers hands the ordinary and ſtanding offices of the church were tranſmitted and derived by and from the apoſtles. The apoſtles had no ſucceſſors *in eundem gradum*: the apoſtolic office was not derived by ſucceſſion, being inſtituted by Chriſt by extraordinary and ſpecial commiſſion. But for the ordinary and ſtanding uſe and ſervice of the church there were ordained only two orders of officers, viz. biſhops and deacons, which the apoſtle expreſſeth, *Phil. i. i. To all the ſaints in Chriſt Jeſus which are at Philippi, with the biſhops and deacons*; and only of them doth the apoſtle give the due characters of officers, *1 Tim. iii. 2, 8*. From both which places of ſcripture we conclude with ancient expoſitors, both Greek and Latin, that biſhops are the ſame with *preſbyters*; and beſides *preſbyters*, there is no mention of any other order but that of deacons. Of both which orders in the apoſtles times there were in one city more than one, as in Philippi and Ephesus. And we humbly offer to your majeſty as observable, that though one order might be ſuperior to another order, yet in the ſame order of officers there was not any one ſuperior to others of the ſame order: no apoſtle was above an apoſtle; no evangeliſt above an evangeliſt; no *preſbyter* above a *preſbyter*; no deacon above a deacon. And ſo we conclude this part, that ſince church-officers are inſtituted and ſet in the church by God or Chriſt Jeſus, and that ordination by or in which the office is conveyed is of no other officers but of *preſbyters* and deacons, therefore there are no other orders of ordinary and ſtanding officers in the churches of Chriſt.

7. As for the ages immediately succeeding the apostles, we answer, First, our faith reaches no farther then the holy scriptures: no human testimony can beget any more than a human faith. Secondly, we answer, that it is agreed upon by learned men, as well such as contend for episcopacy as others, that the times immediately succeeding the apostles are very dark in respect of the history of the church. Thirdly, that the most unquestionable record of those times gives clear testimony to our assertion, viz. the epistle of Clemens to the Corinthians, who, reciting the orders of church-officers, expressly limits them to two, bishops and deacons, and them whom in one place he calls bishops, he always afterwards nameth presbyters. The epistles of Ignatius pretend to the next antiquity, but are by some suspected as wholly spurious, and proved by Vedelius to be so mixed, that it is hard, if not impossible, to know what part of them are genuine: besides, bishop Usher, in his late observations on them, chap. 18. pag. 138. confesses, that of the twelve of his epistles, six are counterfeited, the other six mixed, and none of them in every respect to be accounted sincere and genuine. Fourthly, we grant, that not long after the apostles times, bishops in some superiority to presbyters are by the writers of those times reported to be in the church; but they were set up not as a divine institution, but as an ecclesiastical, as afterwards both archbishops and patriarchs were. Which is clear by doctor Reynolds his epistle to sir Francis Knowles, wherein he shews out of bishop Jewel, that Ambrose, Chrysostome, Jerome, Augustine, and many more holy fathers, together with the apostle Paul, agree that by the word of God there is *no difference* between a *bishop* and a *presbyter*: and that Medina in the council of Trent affirms not only the same fathers, but also another Jerome, Theodoret, Primasius, Sedulius and Theophylact, to be of the same judgment: and that with them agree Oecumenius, Anselme archbishop of Canterbury, and another Anselme, Gregory and Gratian, and after them many others: that it was inrolled in the canon law for sound and catholick doctrine, and publickly taught by learned men. And adds, that all who have laboured in the reformation of the church for these 500 years have taught that all pastors, be they intituled bishops or priests, have equal authority and power by God's word. The same way goes Lombard master of the sentences, and father of the schoolmen, who speaking of presbyters and deacons, saith, the primitive church had those orders only, and that we have the apostles precept for them alone. With him agree many of the most eminent in that kind, and generally all the canonists. To these we may add Sixtus Senensis, who testifies for himself and many others: and Cassander, who was called by one of the German emperors, as one of singular ability and integrity, to inform him and resolve his conscience in questions of that nature; who said, it is agreed among all, that in the apostles times there was no difference between a bishop and a presbyter. For a conclusion we add that the doctrine which we have herein propounded to your majesty concerning the identity of the order of bishops and presbyters, is no other than the doctrine published by king Henry the 8th, 1543, "for all his subjects to receive, seen and allowed by the lords both spiritual and temporal, with the nether house of parliament." Of these

two orders only (so saith the book) that is to say, priests and deacons, scripture maketh express mention, and how they were conferred of the apostles by prayer and imposition of hands. By all which it seems evident, that the order of episcopacy, as distinct from presbytery, is but an ecclesiastical institution, and therefore not unalterable.

8. Lastly, we answer, that episcopal government, which at first obtained in the church, did really and substantially differ from the episcopal government which the honourable houses of parliament desire the abolition of. The bishop of those times was one presiding, and joining with the presbytery of his church, ruling with them, and not without them: either created and made by the presbyters choosing out one among themselves, as in *Rome* and *Alexandria*; or chosen by the church, and confirmed by three or more of his neighbours of like dignity within the same precinct; lesser towns and villages had, and might have, bishops in them, as well as populous and eminent cities, until the council of Sardis decreed, "that villages and small cities should have no bishops, lest the name and authority of a bishop might thereby come into contempt." But of one claiming as his due and right, to himself alone, as a superior order or degree, all power about ordination of presbyters and deacons, and all jurisdiction, either to exercise himself, or delegate to whom he will of the laity or clergy, (as they distinguish) according to the judgment and practice of those in our times, we read not till in the latter and corrupter ages of the church. By all which it appears, that the present hierarchy, the abolition whereof is desired by the honourable houses, may accordingly be abolished, and yet possibly the bishops of those primitive times be. They are so far differing one from another.

9. In answer to that part of your majesty's paper, wherein you require "whether our Saviour and his apostles did so leave the church at liberty, as they might totally alter or change the church-government at their pleasure? we humbly conceive that there are substantials belonging to church-government, such as are appointed by Christ and his apostles, which are not in the church's liberty to alter at pleasure. But as for archbishops, &c. we hope it will appear unto your majesty's conscience, that they are none of the church-governors appointed by our Saviour and his apostles. And we beseech your majesty to look rather to the original of them, than succession.

October 3, 1648.

III. *His Majesty's Answer to the Paper delivered to him by the divines attending the parliament's commissioners, concerning Church Government.*

C. R.

HIS Majesty upon perusal of your answer to his paper of the second of October 1648, findeth that you acknowledge the several scriptures cited in the margin to prove the things for which they are cited, viz. That the apostles in their own persons, that Timothy

and Titus by authority derived from them, and the angels of the churches, had power of church government, and did or might actually exercise the same in all the three several branches in his paper specified : and so in effect you grant all that is desired. For the bishops challenge no more or other power to belong unto them in respect of their episcopal office, as it is distinct from that of presbyters, than what properly falleth under one of these three, *Ordination, giving Rules, and Censures.*

2. But when you presently after deny the persons that exercised the power aforesaid to have been bishops, or to have exercised episcopal government in that sense, as bishops are distinct from presbyters, you do in effect deny the very same thing you had before granted ; for episcopal government in that sense being nothing else but the government of the churches within a certain precinct (commonly called a *diocese*) committed to one single person, with sufficient authority over the presbyters and people of those churches for that end ; since the substance of the thing itself in all the three fore-mentioned particulars is found in the scriptures, unless you will strive about names and words (which tendeth to no profit, but to the puzzling and subverting those which seek after truth) you must also acknowledge that episcopal government in the sense aforesaid may be sufficiently proved from the scriptures.

In that which you say next, and for proof thereof insist upon three several texts, *Titus* i. 5, 7. *Acts* xx. 17, 18. 1 *Pet.* v. 1, 2. his majesty conceiveth as to the present business, that the most that can be proved from all or any of those places is this, That the word bishop is there used to signify presbyter, and that consequently the office and work mentioned in those places as the office and work of a bishop, are the office and work of a presbyter ; which is confessed on all sides, tho' his majesty is not sure that the proof will reach so far in each of those places. But from thence to infer an absolute identity of the functions of a bishop and a presbyter, is a fallacy, which his majesty observeth to run in a manner quite along your whole answer : but it appears from the scriptures, by what you have granted, that single persons (as Timothy and Titus for example)

ample) had authority to perform such acts and offices of church government as his majesty hath not yet found, by any thing represented unto him by you or any other from the scripture, that a single presbyter ever had authority to perform ; which is enough to prove that, the community of names in some places notwithstanding, the functions themselves are in other places by their proper work sufficiently distinguished.

But for the name *Episcopus*, or *Bishop*, his majesty hath long since learned from those that are skilful in the Greek tongue, that it imports properly no more than an *overseer*, one that hath the charge or inspection of some thing committed unto him, as he that is set to watch a beacon, or to keep sheep : whence in the New Testament, and in the ecclesiastical use, it is applied to such persons as have the care and inspection of the churches of Christ committed unto them in *spiritualibus* : as both bishops and presbyters have in some sort, but with this difference, that mere presbyters are *episcopi gregis* only, they have the *oversight of the flock* in the duties of preaching, administration of sacraments, publick prayer, exhorting, rebuking, &c. but *bishops* are *episcopi gregis*, and *pastorum* too, having the oversight of the flock and pastors within their several precincts, in the acts of external government ; so that the common work of both functions is the ministry of the gospel, but that which is peculiar to the function of bishops as distinguished from presbyters, is church-government. It is not therefore to be wondered, if it should happen in the New Testament, the word *episcopus* to be usually applied unto presbyters, who were indeed overseers of the flock, rather than unto church governors, who had then another title of greater eminency whereby to distinguish them from ordinary presbyters, to wit, that of apostles. But when the government of churches came into the hands of their successors, the names were, by common usage, which is the best master of words, very soon appropriated, that of *episcopus* to the ecclesiastical governor or bishop of a diocese, and that of *presbyter* to the ordinary minister or priest.

His majesty had rather cause to wonder, That upon such premises you should conclude with so much con-

dence, as if the "point were rendered most clear to
 " the judgment of most men, both ancient and of
 " latter times, That there is no such officer to be
 " found in the scriptures of the New Testament, as
 " a bishop distinct from a presbyter," whenas his
 majesty remembereth to have seen cited, by such au-
 thors as he hath no reason to suspect, both out of the
 ancient fathers and councils, and out of sundry mo-
 dern writers, even of those reformed churches that
 want bishops, great variety of testimonies to the con-
 trary. His majesty is not satisfied with your answer
 concerning the apostles exercise of episcopal govern-
 ment, which you would put off, by referring it to the
 extraordinary calling. Our Saviour himself was the
 first and chief apostle, and bishop of our souls, sent by
 the Father, and anointed by the Holy Ghost, to be
 both the teacher and the governor of his church. By
 that mission he received authority, and by his unction
 ability for those works which he performed in his own
 person whilst he lived upon the earth : before he left
 the world, that the church might not want teaching and
 governing to the world's end, he chose certain persons
 upon whom he conferred both these powers, whereby
 they became also apostles, and bishops, by making them
 partakers both of his mission before his ascension,
 (*As my father sent me, so send I you*) and of his unction
 shortly after his ascension, when he poured upon them
 the Holy Ghost at Pentecost. The *mission* both for
 teaching and governing (at least for the substance of it)
 was ordinary and to continue to the end of the world,
 (*Matth. xxviii. 18. 20.*) and therefore necessarily to
 descend, and be by them transmitted to others, as their
 substitutes and successors. But the *unction* whereby
 they were enabled to both offices or functions, by the
 effusion of the Holy Ghost, in such a plenteous mea-
 sure of knowledge, tongues, miracles, prophecyings,
 healing, infallibility of doctrine, discerning of spirits,
 and such like, was indeed extraordinary in them, and
 in some few others, though in an inferior measure, as
 God saw it needful for the planting of the churches and
 propagation of the gospel in those primitive times ; and
 in this (which was indeed extraordinary in them) they
 were

were not necessarily to have successors. But it seems very unreasonable to attribute the exercise of that power, whether of teaching or governing, to an extraordinary calling, which being of necessary and continual use in the church, must therefore of necessity be the work of a function of ordinary and perpetual use : therefore the acts of governing of the church were no more nor otherwise extraordinary in the apostles, than the acts of teaching the church were : that is to say, both extraordinary for the manner of performance, in respect of their more than ordinary abilities for the same ; and yet both ordinary for the substance of the offices themselves, and the works to be performed therein : and in these two ordinary offices, their ordinary successors are presbyters and bishops ; presbyters *quà* presbyters immediately succeeding them in the office of teaching, and bishops *quà* bishops immediately in the office of governing.

4. The instances of Timothy and Titus you likewise endeavour to avoid by the pretension of an extraordinary calling. But in this answer, besides the insufficiency thereof (if all that is said therein could be proved) his majesty findeth very little satisfaction.

1. First, you say that Timothy and Titus were by office evangelists ; whereas of Titus the scriptures nowhere affirm any such thing at all ; and by your own rule, your authority without scripture will beget (if that) but a human faith : neither doth the text clearly prove that Timothy was so.

2. Setting aside mens conjectures (which can breed but an human faith neither) you cannot make it appear by any text of scripture, that the office of an evangelist is such as you have described it : *The work of an evangelist*, which St Paul exhorteth Timothy to do, seems by the context, 2 *Tim.* iv. 5. to be nothing but diligence in preaching the word, notwithstanding all impediments and oppositions.

3. That which you so confidently affirm, that Timothy and Titus acted as *evangelists*, is not only denied, but clearly refuted by Scultetus, Gerard, and others ; yea, even with scorn rejected of late, as his majesty is informed, by some rigid presbyterians, as Gillespy, Rutherford,

therford, &c. And that which you do confidently deny, that Timothy and Titus were bishops, is not only confirmed by the consentient testimony of all antiquity (even Jerome himself having recorded it, that they were bishops, and that of St. Paul's ordination) and acknowledged by very many late divines; but a catalogue also of 27 bishops of Ephesus lineally succeeding from Timothy out of good records, is vouched by doctor Reynolds against Hart, and by other writers.

4. You affirm, but upon very weak proofs, that they were from Ephesus and Crete removed to other places: some that have exactly out of scripture compared the times and orders of the several journeys and stations of Paul and Timothy, have demonstrated the contrary concerning this particular.

5. Whereas you say it is manifest from 2 *Tim.* iv. 9. and *Tit.* iii. 12. that they were called away from these places: it doth no more conclude that they were not bishops there, or that they might as well be called bishops of other churches, than it may be concluded from the attendance of the divines at Westminster, that they are no longer parsons or vicars of their several parishes.

Lastly, for the postscripts of these epistles, though his majesty lay no great weight upon them, yet he holdeth them to be of very great antiquity, and therefore such as in question of fact, where there appears no strong evidence to weaken their belief, ought not to be lightly rejected.

Neither doth his majesty lay any weight at all upon the allegory or mystery of the denomination in the next point concerning the *angels* of the churches, as you mistake in your answer thereunto; wherein his majesty finds as little satisfaction as in the last point before. The strength of his majesty's instance lay in this, that in the judgment of all the ancient and the best modern writers, and by many probabilities in the text itself, the *angels* of the seven churches were *personæ singulares*, and such as had a prelacy as well over pastors as people within their churches, and that is in a word, *bishops*.

And you bring nothing of moment in your answer to infirm this. You say truly indeed, that those epistles were written in epistolary stile, and so (as letters to collect-

collective or representative bodies use to be) directed to one, but intended to the body; which when you have proved, you are so far from weakening, that you rather strengthen, the argument to prove those angels to have been single persons; as when his majesty sendeth a message to his two houses, and directs it to the speaker of the house of peers, his intending it to the whole house doth not hinder but that the speaker to whom it is directed is one single person still. Yet his majesty cannot but observe in this, as in some parts of your answer, how willing you are *versari in generalibus*, and how unwilling to speak out, and to declare plainly and directly what your opinion is concerning those angels, who they were; whether they were, as the great antagonist of episcopacy, Salmasius, very peremptorily (*sic ergo hoc fixum, &c.*) affirmeth, the whole churches; or so many individual pastors of the gathered churches in those cities; or the whole college of presbyters in the respective churches; or the singular and individual presidents of these colleges; for into so many several opinions are those few divided among themselves, who have divided themselves from the common and received judgment of the christian church.

6. In the following discourse, you deny that the apostles were to have any successors in their office, and affirm that there were to be only two orders of ordinary and standing officers in the church, viz. *presbyters* and *deacons*.

What his majesty conceiveth concerning the successors of the apostles, is in part already declared, viz. that that they have no successors *in eundem gradum*, in respect of those things that were extraordinary in them, as namely the measure of their gifts, the extent of their charge, the infallibility of their doctrine, and (which is sundry times mentioned as a special character of an apostle properly so called) the having *seen Christ in the flesh*. But in those things that were not extraordinary, and such those things are to be judged which are necessary for the service of the church in all times, as the office of teaching and the power of governing are, they were to have, and had, successors; and therefore the learned and godly fathers and councils of old times did

usually stile bishops the successors of the apostles, without ever scrupling thereat.

And as to the standing offices of the church, altho' in the places by you cited, *Phil. i. 1. 1 Tim. iii. 8.* there be no mention of bishops as distinct from presbyters, and deacons; yet it is not thereby proved that there is no other standing office in the church besides; for there appear two other manifest reasons, why that of bishops might not be so proper to be mentioned in those places; the one, because in the churches which the apostles themselves planted, they placed presbyters under them for the office of teaching, but took upon themselves the care, and reserved in their own hands the power of governing in those churches, for a longer or shorter time, as they saw it expedient for the propagating of the gospel, before they set bishops over them, and so it may be probable that there was as yet no bishop set over the church of Philippi, when St Paul writ his epistle to them. The other, because in the epistles to Timothy and Titus, the persons to whom he wrote being themselves bishops, there was no need to write any thing concerning the choice or qualification of any other sort of officers than such as belonged to their ordination or inspection, which were presbyters and deacons only, and not bishops.

[Concerning the ages succeeding the apostles.]

1. His majesty believeth, that although faith, as it is an assent unto truth supernatural or of divine revelation, reacheth no further than the scriptures, yet in matters of fact, human testimonies may beget a faith, tho' human, yet certain and infallible; as by the credit of histories we have an infallible faith that Aristotle was a Greek philosopher, and Cicero a Roman orator.

2. The darkness of those times in respect of the history of the church is a very strong argument for episcopacy; which notwithstanding the darkness of the times hath found so full and clear a proof, by the unquestioned catalogues extant in ancient writers of the bishops of sundry famous cities, as Jerusalem, Antioch, Alexandria, Rome, Ephesus, &c. in a continued succession from the apostles, as scarce any other matter of fact hath found the like.

3. In

3. In Clement's testimony cited by you, his majesty conceiveth you make use of your old fallacy, from the promiscuous use of the words to infer the indistinction of the things; for who can doubt of Clement's opinion concerning the distinct offices of bishops and presbyters, who either readeth his whole epistle, or considereth that he himself was a bishop in that sense, even by the confession of Vedelius himself, a man never yet suspected to favour bishops, who saith, that after the death of Linus and Cletus, *Clemens solus episcopi nomen retinuit, quia jam invaluerat distinctio episcopi & presbyteri?* and for Ignatius' epistles, though some of late, out of their partial disaffection to bishops, have endeavoured to discredit the whole volume of them by all possible means, without any regard either of ingenuity or truth; yet sundry of them are such, as being attested by the suffrages of antiquity, cannot with any forehead be denied to be his: and there is scarce any of them which doth not give testimony to the prelacy of a bishop above a presbyter; Ignatius himself also was a bishop of Antioch, and a holy martyr for the faith of Christ.

4. You grant that not long after the apostles times bishops are found in the writers of those times, as in some superiority to presbyters; but you might have added farther out of these writers (if you had pleased) that they were some of them, as James at Jerusalem, Timothy at Ephesus, Titus in Crete, Mark at Alexandria, Linus and Clement at Rome, Polycarpus at Smyrna, constituted and ordained bishops of these places by the apostles themselves, and all of them reputed successors to the apostles in their episcopal office; and his majesty presumeth you could not be ignorant that all or most of the testimonies you recite of the antient fathers, writers of the middle ages, schoolmen and canonists, and the book published under king Henry VIII. do but either import the promiscuous and indifferent use of the names of bishops and presbyters, whereof advantage ought not to be made to take away the difference of the things; or else they relate to a school point, which in respect of the thing itself is but a very nicety, disputed pro and con by curious questionists, *Utrum episcopatus sit ordo vel gradus?* both sides in the mean time acknowledging the

right of church-government to be in the bishops alone, and not in the presbyters; as also that there may be produced either from the very same writers, or from others of as good authority or credit, testimonies both for number and clearness far beyond those by you mentioned, to assert the different degrees or orders, (call them whether you will) of ecclesiastical functions viz. the bishop, the presbyter, and the deacon.

8. As to that which you add lastly, concerning the difference between primitive episcopacy and the present hierarchy. albeit his majesty doth not conceive that the accessions or additions granted by the favour of his royal progenitors, for the enlarging of the power or privileges of bishops, have made, or indeed can make, the government really and substantially to differ from what formerly it was, no more than the addition of arms or ornaments can make a body really and substantially to differ from itself naked or divested of the same; nor can think it either necessary or yet expedient, that the elections of the bishops, or some other circumstantials touching their persons or office, should be in all respects the same under christian princes, as it was when christians lived among pagans, and under persecution: yet his majesty so far approveth of your answer in that behalf, that he thinketh it well worthy the studies and endeavours of the divines of both opinions, laying aside emulation and private interests, to reduce episcopacy and presbytery into such a well-proportioned form of superiority and subordination, as may best resemble the apostolical and primitive times, so far forth as the different condition of times and the exigencies of all considerable circumstances will admit, so as the power of church-government in the particular of ordination, which is merely spiritual, may remain *authoritative* in the bishop, but that power not to be exercised without the concurrence or assistance of his presbytery, as Timothy was ordained by the authority of St Paul, 2 *Tim.* i. 6. but with the concurrence or assistance of the presbytery, 1 *Tim.* iv. 14. Other powers of government which belong to jurisdiction, though they are in the bishops, as before is expressed, yet the outward exercise of them may be ordered and disposed or limited by the sovereign power,

to which by the laws of the land and the acknowledgement of the clergy they are subordinate ; but his majesty doubteth whether it be in your power to give him any present assurance, that in the desired abolition of the present hierarchy, the utter abolishing of episcopacy, and consequently of the primitive episcopacy, is neither included nor intended.

9. As to the last part of his majesty's paper, his majesty would have been better satisfied, if you had been more particular in your answer thereunto. You tell him in general, that there are substantials in church government appointed by Christ, &c. but you neither say what these substantials are, nor in whose hands they are left ; whereas his majesty expected that you should have declared your opinions clearly, whether Christ or his apostles left any certain form of government to be observed in all christian churches ; then, whether the same binds all churches to the perpetual observation thereof, or whether they may upon occasion alter the same, either in whole or in part ; likewise, whether that certain form of government which Christ and his apostles have appointed as perpetual and unalterable (if they have appointed any such at all) be the episcopal, or the presbyterian, or some other differing from them both.

And whereas in the conclusion you beseech his majesty to look rather to the original of bishops than to their succession ; his majesty thinks it needful to look at both ; especially since their succession is the best clue, the most certain and ready way to find out their original.

His majesty having returned you this answer, doth profess, that as whatsoever was of weight in yours shall have influence on him ; so he doubts not but somewhat may appear to you in his, that was not so clear to you before : and if this debate may have this end, that it dispose others to the temper of accepting reason, as it shall him of endeavouring to give satisfaction in all he can to his two houses, his majesty believes, though it hath taken up, it hath not mispent, his time.

Newport, Oct. 6.

The humble answer of the divines attending the honourable commissioners of parliament at the treaty at Newport in the isle of Wight, to the second paper delivered to them by his majesty, October 6, 1648. Delivered to his majesty, October 17.

May it please your majesty,

1. **A**S in our paper of October the third, in answer to your majesty's of October the second, we did, so now again we do, acknowledge, that the scriptures cited in the margin of your majesty's paper do prove, that the apostles in their own persons, that Timothy and Titus, and the angels of the churches, had power respectively to do those things which are in those places of scripture specified: but as then, so now also we humbly do deny, that any of the persons or officers fore-mentioned were *bishops, as distinct from presbyters*, or did exercise episcopal government in that sense; or that this was "in the least measure provided by the alleged scriptures." And therefore our negative not being to the same point or state of the question which was affirmed, we humbly conceive that we should not be interpreted to have, in effect, denied the very same thing which we had before granted, or to have acknowledged that the several scriptures do prove the thing for which they are cited by your majesty. And if that which we granted were all that by the scriptures cited in the margin, your majesty intended to prove; it will follow, that nothing hath yet been proved on your majesty's part, to make up that conclusion which is pretended.

2. As then we stood upon the negative to that assertion, so we now crave leave to represent to your majesty, that your reply doth not infirm the evidence given in maintenance thereof. The reason given by your majesty in this paper to support your assertion, that the persons that exercised the power aforesaid were bishops in distinct sense, is taken from a description of episcopal government; which is (as your majesty saith) "nothing else but the government of the churches within a certain precinct (commonly called a diocese) committed to one single person, with sufficient authority over the presbyters and people of those churches for that end:" which government so described being "for substance of the thing itself in all the three forementioned particulars" (ordaining, giving rules of discipline, and censures) "found in scriptures, except we will contend about names and words, must be acknowledged in the sense aforesaid to be sufficiently proved from scriptures." And your majesty saith farther, "that the bishops do not challenge more or other power to belong to them, in respect of their episcopal office, as it is distinct from that of presbyters, than what properly falls under one of those three."

3. We desire to speak both to the bishops challenge, and to your majesty's description of episcopal government. And first to their challenge, because it is first expressed in your majesty's reply.

4. The challenge we undertake in two respects: 1. in respect of the power challenged, 2. in respect of that ground or tenure upon which the claim is laid. The power challenged consists of three particulars; ordaining, giving rules of discipline, and censures: no

more,

more, no other, in respect of their episcopal office. We see not by what warrant this writ of partition is taken forth by which the apostolical office is thus shared or divided; the governing part into the bishops hands, the teaching and administering sacraments into the presbyters. For besides that the scripture makes no such inclosure or partition-wall, it appears, the challenge is grown to more than was pretended unto in the times of grown episcopacy. Jerome and Chrysostome do both acknowledge for their time, that the bishop and presbyter differed only in the matter of ordination: and learned doctor Bilson makes some abatement in the claim of three, saying, the things proper to bishops, which might not be common to presbyters, are singularity of succeeding, and superiority in ordaining.

5. The *tenure* or ground upon which the claim is made is *apostolical*, which with us is all one with *divine institution*. And this, as far as we have learned, hath not been anciently, openly, or generally avowed in this church of England, either in time of popery, or of the first reformation; and whencesoever the pretension hath been made, it was not without the contradiction of learned and godly men. The abettors of the challenge, that they might resolve it at last into the scripture, did choose the most plausible way of ascending by the scale of succession, going up the river to find the head: but when they came to scriptures, and found it like the head of Nile (which cannot be found) they shrouded it under the name and countenance of the *angels of the churches*, and of Timothy and Titus. Those that would carry it higher, endeavoured to impe it into the *apostolical office*, and so at last called it a *divine institution*, not in force of any *express precept*, but *implicit practice* of the apostles; and so the apostolical office (excepting the gifts or enablements confessed only extraordinary) is brought down to be episcopal, and the episcopal raised up to be apostolical. Whereupon it follows, that the highest officers in the church are put into a lower orb; an extraordinary office turned into an ordinary, a distinct office confounded with that which in the scripture is not found, a temporary, and an extinct office revived. And indeed, if the definitions of both be rightly made, they are so incompatible to the same subject, that he that will take both must lose the one: *aut apostolus episcopatum, aut apostolatum episcopatus*: For the apostles, though they did not in many things act *aliud*, yet they acted *alio nomine & alio munere*, than presbyters or bishops do: and if they were indeed bishops, and their government properly episcopal in distinct sense, then it is not needful to go so far about to prove episcopal government of divine institution, because they practised it; but to assert expressly, that Christ instituted it immediately in them.

6. For your majesty's *definition of episcopal government*, it is extracted out of the bishops of later date than scripture-times, and doth not suit to that meridian under which there were more bishops than one in a precinct or church; and it is as fully competent to archiepiscopal and patriarchal government, as episcopal. The parts of this definition, materially and abstractly considered, may be found in scripture. The apostles Timothy and Titus, were single persons, but not limited to a precinct: the government of the angels was limited to a precinct, but not in single persons. In several offices, not

to be confounded, the parts of this definition may be found; but the aggregation of them altogether into one ordinary officer cannot be found. And if that word, *ordinary*, and *standing government*, had been made the *genus* in your majesty's definition (as it ought to be) we should crave leave to say it would be *gratis dictum*, if not *petitio principii*: for the scripture doth not put all these parts together in a bishop, who never borrowed of apostles, evangelists, and angels, the matter of governing and ordaining, and left the other of teaching, dispensing sacraments, and dealing only *in foro interno*, to presbyters, until after-times. By this that hath been said it is manifest enough, that we contend not, first, *de nomine*, about the name of episcopal government; which yet (though names serve for distinction) is not called or distinguished by that name in scripture: nor, secondly, *de opere*, about the work, whether the work of governing, ordering, preaching, &c. be of continuance in the church, which we clearly acknowledge: but, thirdly, *de munere*, about the office, it being a great fallacy to argue, that the apostles did the same work which bishops or presbyters are to do in ordinary; therefore they were of the same office. For as it is said of the liberal and learned arts, one and the same thing may be handled in divers of them, and yet these arts are distinguished by the *formalis ratio* of handling of them: so we say of offices, they are distinguished by their callings and commissions, though not by the work; as all those that are named *Eph. iv. 11.* apostles, prophets, evangelists, pastors and teachers, are designed to one and the same general and common work, *the work of the ministry*, *ver. 12.* and yet they are not therefore all one; for it's said, *some* apostles, *some* prophets, *some* evangelists, and *some* pastors and teachers. A dictator in Rome and an ordinary tribune, Moses and the subordinate governors of Israel, the court of parliament and of the king's-bench, an apostle and a presbyter or deacon, may agree in some common work, and yet no confusion of offices follows thereupon.

7. To that which your majesty conceives, that the most that can be proved from all or any of those places by us alleged (to prove that the name, office, and work of bishops and presbyters is one and the same in all things, and not in the least distinguished) is, "that the word *bishop* is used in them to signify a *presbyter*, and that consequently the office and work mentioned in those places as the office and work of a bishop, are the office of a presbyter, which is confessed on all sides;" we make this humble return, that though there be no supposition so much as implied, that the office of a bishop and a presbyter are distinct in any thing (for the names are mutually reciprocal) yet we take your majesty's concession, that in these times of the church and places of scripture there was no distinct office of bishops and presbyters; and consequently, that the identity of the office must stand, until there can be found a clear distinction or division in the scriptures. And if we had argued the identity of functions from the *community of names* and *some part of the work*, the argument might have been justly termed a fallacy; but we proved them the same office from the same work, *per omnia*, being allowed so to do by the fulness of those two words used in the Acts and S. Peter his epistle, *ποιμαίνειν* and *ἐκκλησιάζειν*, under the force

force of which words the bishops claim their whole power of government and jurisdiction : and we found no little weight added to our argument from that in the Acts, where the apostle departing from the Ephesian presbyters or bishops, as *never to see their faces more*, commits (as by a final charge) the government of that church, both over particular presbyters and people, not to Timothy, who then stood at his elbow, but to the presbyters, under the name of bishops, *made by the Holy Ghost* ; whom we read to have set many bishops over one church, not one over either one or many. And the apostles arguing from the same qualification of a presbyter and of a bishop in order to ordination or putting him into office, fully proves them to be two names of the same order or function ; the diverse orders of presbyter and deacon being diversly characterised. Upon these grounds (we hope without fallacy) we conceive it justly proved, That a bishop and a presbyter are wholly the same. That Timothy and Titus were single persons, having authority of government, we acknowledge ; but deny that from thence any argument can be made unto either single bishop or presbyter : for though a single presbyter by the power of his order, as they call it, may preach the word and dispense the sacraments ; yet by that example of the presbytery, their laying on of hands, and that rule of telling the church in matter of scandal, it seems manifest that ordination and censures are not to be exercised by a single presbyter ; neither hath your majesty hitherto proved either the names of bishops and presbyters, or the function, to be in other places of scripture distinguished, you having wholly waved the notice or answer of that we did assert (and do yet desire some demonstration of the contrary) viz. that the scripture doth not afford us the least notice of any qualification, any ordination, any work or duty, any honour peculiarly belonging to a bishop distinct from a presbyter ; the assignment of which, or any of them, unto a bishop, by the scripture, would put this question near to an issue. That God should intend a distinct and highest kind of officer for government in the church, and yet not express any qualification, work, or way of constituting and ordaining of him, seems unto us improbable.

8. Concerning the signification of the word *episcopus*, importing an *overseer*, or one that hath a charge committed to him, for instance, of *watching* a beacon, or *keeping sheep*, and the application of the name to such persons as have inspection of the churches of Christ committed to them in *spiritualibus* ; we also give our suffrage : but not to that distinction of *episcopus gregis*, and *episcopus pastorum & gregis* ; both because it is the *το κεινόμενον*, or point in question ; and also because your majesty having signified that *episcopus* imports a *keeper of sheep*, yet you have not said that it signifies also a *keeper of shepherds*. As to that which is affirmed by your majesty, “ that the peculiar of the function of bishops is church-government ; ” and that the reason why the word *episcopus* is usually applied to presbytery, was because church-governors had then another title of greater eminency, to wit, that of apostles, until the government of the church came into the hands of their successors, and then the names were by common usage very soon appropriated, that of *episcopus* to ecclesiastical governors, that of *presbyter* to the ordinary ministers :” this assertion your majesty is pleased to make without any demonstration ; for whom the scripture calls

presbyters, rulers, and pastors, and teachers, it calls governors, and commits to them the charge of feeding and inspection, as we have proved, and that without any mention of church-government peculiar to a bishop. We deny not but some of the fathers have conceived the notion that bishops were called apostles, till the names of *presbyter* and *episcopus* became appropriate; which is either an allusion or conceit, without evidence of scripture: for while the function was one, the names were not divided; when the function was divided, the name was divided also, and indeed improper: but we that look for the same warrant for the division of an office as for the constitution, cannot find that this appropriation of names was made till afterwards, or in process of time, as Theodore (one of the fathers of this conceit) affirms, whose saying, when it is run out of the pale of scripture-time, we can no further follow. From which premises laid all together, we did conclude the clearness of our assertion, that in the scriptures of the New Testament, a bishop distinct from a presbyter in qualification, ordination, office or dignity, is not found: the contrary whereof though your majesty saith that you have seen confirmed by "great variety of credible testimony," yet we believe those testimonies are rather strong in asserting, than in demonstrating the scripture original of a bishop, which is declared against by a cloud of witnesses, named in the latter end of our former answer, unto which we should refer, if matter of right were not properly triable by scripture, as matter of fact is by testimony.

9. We said that the apostles were the highest order of officers of the church; that they were extraordinary; that they were distinguished from all other officers; and that their government was not *episcopal*, but *apostolical*. To which answer your majesty, being not satisfied, doth oppose certain assertions, "That Christ himself and the apostles received their authority by mission, their ability by unction; that the mission of the apostles was ordinary, and to continue to the end of the world; but the unction, whereby they were enabled to both offices and functions, teaching and governing, was indeed extraordinary; that in their unction they were not necessarily to have successors, but necessarily in their mission or office of teaching and governing: that in these two ordinary offices, their ordinary successors are presbyters and bishops: that presbyters *quà* presbyters do immediately succeed them in the office of teaching, and bishops *quà* bishops immediately in the office of governing:" the demonstration of which last alone would have carried in it more conviction than all these assertions put together. Officers are distinguished by that whereby they are constituted, their commission, which being produced signed by one place of scripture, gives surer evidence than a pedigree drawn forth by such a series of distinctions as do not distinguish him into another officer from a presbyter. Whether this chain be strong, and the links of it sufficiently tacked together, we crave leave to examine. Christ, saith your majesty, was the apostle and bishop of our souls, and he made the apostles both apostles and bishops. We do not conceive that your majesty means, that the apostles succeeded Christ as the chief apostle, and that as bishops they succeed Christ as a bishop, lest thereby Christ his mission as an apostle and bishop might be conceived as ordinary

as their mission is said to be: but we apprehend your majesty to mean, that the office of apostle and bishop was eminently contained in Christ's office, as the office of a bishop was eminently contained in that of apostleship: but thence it will not follow that inferior offices being contained in the superior eminently, are therefore existent in it formally. For because all honours and dignities are eminently contained in your majesty, would it therefore follow that your majesty is formally and distinctly a baron of this realm, as it is asserted, the apostles to have been bishops in distinct sense? that mission refers to office and authority, and unction only to ability, we cannot consent: for besides that the breathing of Christ upon his disciples, saying, *Receive ye the Holy Ghost*, doth refer to mission as well as unction; we conceive that in the proper anointing of kings or other officers, the natural use and effect of the oil upon the body was not so much intended, as the solemn and ceremonious use of it in the inauguration of them. So there is relation to office in unction, as well as to conferring of abilities; else how are kings or priests or prophets said to be anointed? and what good sense could be made of that expression in scripture, of anointing one in another's room? to omit, that Christ, by this construction, should be called the Messiah in respect of abilities only. And although we should grant your majesty's explication of mission and unction; yet it will not follow that the mission of the apostles was ordinary, and their unction only extraordinary. That into which there is succession, was ordinary; that into which there is no succession, (for succession is not unto abilities or gifts) extraordinary: and so the apostles were ordinary officers in all whereunto there is properly any succession, and that is office. They differed from bishops in that wherein one apostle or officer of the same order might differ from another, to wit, in abilities and measure of spirit, but not in that wherein one order of officers is above another by their office; to which we cannot give consent. For since no man is denominated an officer from his mere abilities or gifts; so neither can the apostles be called extraordinary officers because of extraordinary gifts: but that the apostles mission and office (as their abilities) was extraordinary and temporary, doth appear in that it was by immediate commission from Christ, without any intervention of men, either in election or ordination, for planting an authoritative governing of all churches through the world, comprehending in it all other officers of the church whatsoever: and therefore it seems to us very unreasonable that the office and authority of the apostles should be drawn down to an ordinary, thereby to make it, as it were, a fit stock into which the ordinary office of a bishop may be ingrafted; nor doth the continuance of teaching and governing in the church more render the office of teaching and governing in the apostles an ordinary office, than the office of teaching and governing in Christ himself renders his office therefore ordinary. The reason given, that the office of teaching and governing was ordinary in the apostles, because of the continuance of them in the church (we crave leave to say) is that great mistake which runs through the whole file of your majesty's discourse; for though there be a succession in the work of teaching and governing, yet there is no succession in the commission or office by which the apostles performed them;

them; for the office of Christ, of apostles, of evangelists or prophets, is hence also concluded ordinary, as to teaching and governing, and the distinction of offices extraordinary and ordinary *catenus* destroyed. The succession may be into the same work, not into the same commission and office: the ordinary officers, which are to manage the work of teaching and government, are constituted, settled, and limited by warrant of scripture, as by another commission than that which the apostles had. And if your majesty had shewn us some record out of scripture, warranting the division of the office of teaching and governing into two hands, and the appropriation of teaching to presbyters, of governing to bishops, the question had been determined; otherwise we must look upon the dissolving of the apostolical office, and distribution of it into these two hands, as the dictate of men who have a mind, by such a precarious argument, to challenge to themselves the keys of authority, and leave the word to the presbyters.

10. In our answer to the instances of Timothy and Titus (which Dr Bilson acknowledgeth to be the main erection of episcopal power, if the proof of their being bishops do stand; or subversion, if the answer, that they were evangelists, be good) your majesty "finds very little satisfaction, though all that is said therein could be proved. First, Because the scriptures nowhere imply any such thing at all, that Titus was an evangelist, neither doth the text clearly prove that Timothy was so."

1. The name of Bishop *the scripture neither expressly nor by implication gives to either*: the work which they are enjoined to do is common to apostles, evangelists, pastors, and teachers, and cannot of itself make a character of one distinct and proper office: but that there was such an order of officers in the church as evangelists reckoned amongst the extraordinary and temporary offices, and that Timothy was one of that order, and that both Timothy and Titus were not ordained to one particular church, but were companions and fellow-labourers with the apostles, sent abroad to several churches, as occasion did require; it is (as we humbly conceive) clear enough in scripture, and not denied by the learned defenders of episcopal government, nor (as we remember) by Scultetus himself, during the time of their travels.

2. To that which your Majesty secondly saith, "That we cannot make it appear by any text of scripture, that the office of evangelist is such as we have described, his work seeming 2 Tim. viii. 4, 5. to be nothing else but diligence in preaching the word, notwithstanding all impediments and oppositions;" we humbly answer that exact definitions of these or other church officers are hard to be found in any text of scripture, but by comparing one place of scripture with another, it may be proved as well what they were, as what the apostles and presbyters were, the description by us given being a character made up by collation of scriptures; from which Mr Hooker doth not much vary, saying, "that evangelists were presbyters of principal sufficiency, whom the apostles sent abroad and used as agents in ecclesiastical affairs, wheresoever they saw need." And that pastors and teachers were settled in some certain charge, and thereby differed from evangelists, whose work that it should

should be nothing but diligence in preaching, &c. which is common to apostles, evangelists, pastors and teachers, and so not distinctive of this particular office, argueth to us, that as the apostles office was divided into episcopal and apostolical, so this also is to be divided into episcopal and evangelistical, ordination and censures belonging to Timothy as to a bishop, and diligence in preaching only being left to the evangelist : which division (as we humbly conceive) is not warranted by the scripture.

3. Thirdly, Your majesty saith, that " that which we so confidently affirm of Timothy and Titus their acting as evangelists, " is by some denied and refuted, yea even with scorn rejected by " some rigid presbyterians ; and that which we so confidently deny " that they were bishops, is confirmed by the consentient testimony " of all antiquity, recorded by Jerome himself, that they were bishops of Paul's ordination, acknowledged by very many late divines, " and that a catalogue of twenty seven bishops of Ephesus lineally " succeeding from Timothy, out of good record, is vouched by Dr " Reynolds and other writers."

Our confidence (as your majesty is pleased to call it) was in our answer expressed in these words, " We cannot say that Timothy " and Titus were bishops in the sense of your majesty, but extraordinary officers or evangelists " : in which opinion we were then clear, not out of a total ignorance of those testimonies which might be alledged against it, but from intrinsic arguments out of scripture, from which your majesty hath not produced any one to the contrary. Nor is our confidence weakened by such replies as these, That the scripture never calls them bishops, but the fathers do ; The scripture calls Timothy an evangelist, some of late have refuted it and rejected it with scorn : The scripture relates their motion from church to church, but some affirm them to be fixed at Ephesus and in Crete ; The scripture makes distinction of evangelists and pastors, but some say that Timothy and Titus were both. We cannot give your majesty a present account of Scultetus and Gerard's arguments, but do believe that Mr Gillespy and Rutherford are able with greater strength to refute that opinion of Timothy and Titus their being bishops, than they do (if they do) with scorn reject this of their being evangelists. As for *testimonies* and *catalogues*, though we undervalue them not, yet your majesty will be pleased to allow us the use of our reason, so far as not to erect an office in the church which is not found in scripture, upon *general appellations* or *titles*, and *allusions* frequently found in the fathers, especially when they speak *vulgarly*, and not as to a point in debate ; for even Jerome, who as your majesty saith, doth record that Timothy and Titus were made bishops, and that of St Paul's ordination, doth when he speaks to the point between your majesty and us, give the bishops to understand that they are superior to presbyters *consuetudine magis quam dominica veritatis dispositione*. For catalogues, their credit rests upon the first witnesses, from whom they are reported by tradition from hand to hand, whose writings are many times supposititious, dubious, or not extant : besides that these catalogues do resolve themselves into some apostle or evangelist as the first bishop, as the catalogue of Jerusalem unto the apostle James, that of Antioch into Peter, that of Rome into

into Peter and Paul, that of Alexandria into Mark, that of Ephesus into Timothy; which apostles and evangelists can neither themselves be degraded by being made bishops, nor be succeeded in their proper calling or office: and it is easy for us to proceed the same way and to find many ancient rites and customs generally received in the church, (counted by the ancients apostolical traditions) as near the apostles times as bishops, which yet are confessedly not of divine institution. And further, if Timothy and the rest that are first in the catalogue were bishops, with such sole power of ordination and censures as is asserted, how came their pretended successors, who were but *primi presbyterorum* (as the fathers themselves call them) to lose so much episcopal power as was in their predecessors, and as was not recovered in three hundred years? And therefore we cannot upon any thing yet said recede from that of our Saviour, *Ab initio non fuit sic*, from the beginning it was not so.

4. Your majesty saith, "that we affirm, but upon very weak proofs, that they were from Ephesus and Crete removed to other places, the contrary whereunto hath been demonstrated by some who have exactly out of scripture compared the times and order of the several journeys and stations of Paul and Timothy."

It is confessed that our assertion, that Timothy and Titus were evangelists, lies with some stress upon this, that they *removed from place to place*, as they were *sent by or accompanied* the apostles; the proof whereof appears to us to be of greater strength than can be taken off by the comparison which your majesty makes of the divines of the assembly at Westminster. We begin with the travels of Timothy, as we find them in order recorded in the scripture places cited in the margin, and we set forth from Berea, (*Acts xvii. 14.*), where we find Timothy; then next at Athens, *v. 15.* from whence Paul sends him to Thessalonica, *1 Thess. iii. 1, 2.* afterward having been in Macedonia, he came to Paul at Corinth, *Acts xviii. 5.* and after that he is with Paul at Ephesus, and thence sent by him into Macedonia, *Acts xix. 22.* whither Paul went after him, and was by Timothy accompanied into Asia, *Acts xx. 4.* who was with him at Troas, *v. 5, 6.* and at Miletus, *v. 17.* to which place St Paul sent for the presbyters of the church in Ephesus, and gave them that solemn charge, *to take heed unto themselves, and to all the flock over which the Holy Ghost had made them bishops*, not speaking a word of recommendation of that church to Timothy, or of him to the elders. And if Timothy was bishop of Ephesus, he must needs be so when the first epistle was sent to him, in which he is pretended to receive the charge of exercising his episcopal power in ordination and government: but it is manifest that after this epistle sent to him he was in continual journeys or absent from Ephesus. For Paul left him at Ephesus when he went into Macedonia, *1 Tim. i. 3.* and he left him there to exercise his office, in regulating and ordering that church and in ordaining: but it was after this time that Timothy is found with Paul at Miletus; for after Paul had been at Miletus, he went to Jerusalem, whence he was sent prisoner to Rome, and never came more into Macedonia, and at Rome, *Heb. xiii. 23.* we find Timothy a prisoner with him, and those epistles which Paul wrote while he was prisoner at Rome, namely, the epistle to the Philippians, to Phile-

Philemon, to the Colossians, to the Hebrews, do make mention of Timothy as his companion at these times; nor do we ever find him again at Ephesus, for we find that after all this, towards the end of St Paul's life, after his first answering before Nero, and when he said his *departure was at hand*, he sent for Timothy to Rome, not from Ephesus; for it seems that Timothy was not there, because Paul giving Timothy an account of the absence of most of his companions sent into divers parts, he saith, *2 Tim. iv. 6. 10, 11, 12. 16. Tychicus have I sent to Ephesus*. Now if your Majesty shall be pleased to cast up into one total that which is said, the several journeys and stations of Timothy, the order of them, the time spent in them, the nature of his employment, to "negotiate the affairs of Christ in several churches and places," the silence of the scriptures as touching his being bishop of any church, you will acknowledge that such a man was not a bishop fixed to one church or precinct; and then by assuming that Timothy was such a man, you will conclude that he was not bishop of Ephesus.

14. The like conclusion may be inferred from the like premises from the instance of Titus, whom we find at Jerusalem, *Gal. i. 2.* before he came to Crete, from whence he is sent for to Nicopolis, *Tit. iii. 12.* and after that he is sent to Corinth, from whence he is expected at Troas, *2 Cor. xi. 12.* and met with Paul in Macedonia, *2 Cor. v. 6.* whence he is sent again to Corinth, *2 Cor. viii. 6.* and after all this is near the time of Paul's death at Rome, from whence he went not into Crete, but into Dalmatia, *2 Tim. iv. 10.* and after this is not heard of in the scripture. And so we hope your majesty doth conceive, that we affirm not upon very weak proofs that Timothy and Titus were from Ephesus and Crete removed to other places.

15. In the fifth exception your majesty takes notice of two places of scripture cited by us, to prove that they were called away from those places of Ephesus and Crete, which they do not conclude much of themselves, yet being accompanied by two other places which your majesty takes no notice of, may seem to conclude more, and these *1 Tim. i. 3. Titus i. 5.* as, *I besought thee to abide still at Ephesus; for this cause left I thee in Crete*: in both which is specified the occasional employment for which they made stay in those places: and the expressions used, *I besought thee to abide still at Ephesus, I left thee in Crete*, do not sound like words of *instalment* of a man into a bishoprick, but of an *intendment* to call them away again; and if the first and last be put together, his *actual revocation* of them both, the *intimation* of his intention that they should not stay there for continuance, and the *reason* of his beseeching the one to stay, and of his leaving the other behind him, which was some present defects and distempers in those churches, they will put fair to prove that the apostle *intended not* to establish them bishops of those places, and therefore *did not*.

For the *postscripts*; because your majesty "lays no great weight upon them," we shall not be solicitous in producing evidence against them, though they do bear witness in a matter of fact which in our opinion *never was*, and in your majesty's judgment *was long before they were born*. And so we conclude this discourse about

Timothy and Titus with this observation, that in the same very epistle of Paul to Timothy, out of which your majesty hath endeavoured to prove that he was a bishop, and did exercise episcopal government, there is clear evidence both for presbyters imposing hands in ordination, and for their ruling.

16. In the next point, concerning the angels of the churches, though your majesty saith that "you lay no weight upon the allegory " or mystery of the denomination," yet you assert that the persons bearing that name were *personae singulares*, and in a word, *bishops*; who yet are never so called in scripture: and the allegorical denomination of angels or stars, which in the judgment of antient and modern writers doth belong to the faithful ministers and preachers of the word in general, is appropriate (as we so may say) to the mitre and crozier staff, and so opposed to many express testimonies of scripture. And if your majesty had been particular in that, wherein you say the strength of your instance lies, viz. "the judgment of all antient and " of the best modern writers, and many probabilities in the text itself," we hope to have made it apparent, that many ancient and eminent modern writers, many probabilities out of the text itself, do give evidence to the contrary. To that which is asserted, that these singular persons were bishops in distinct sense, whether we brought any thing of moment to confirm this, we humbly submit to your majesty's judgment, and shall only present to you, that in your reply you have not taken notice of that which in our answer seems to us of moment, which is this, That in mysterious and prophetick writings, or visional representations (such as this of the stars and golden candlesticks is) a number of things and persons is usually expressed in singulars: and this in visions is the usual way of representation of things, a thousand persons making up one church, is represented by one candlestick; many ministers making up one presbytery, by one angel. And because your majesty seems to call upon us to be particular, though we cannot name the angels, nor are satisfied in our judgment, that those whom some do undertake to name were intended by the name of angels in those epistles; yet we say, First, that these epistles were sent unto the churches, and that under the expression of *this thou dost*, or *this thou hast*, and the like, the churches are respectively intended; for the sins reprov'd, the repentance commanded, the punishments threatened, are to be referred to the churches, and not to the singular angels only: and yet we do not think that Salmasius did intend, nor do we, that in formal denomination the angels and candlesticks were the same.

Secondly, The angels of these churches or rulers were a collective body, which we endeavoured to prove by such probabilities as your majesty takes no notice of, namely, the instance of the church of Ephesus, where there were many bishops, to whom the charge of that church was by St Paul at his final departure from them committed; as also by that expression, *Rev. xi. 24. To you and to the rest in Thyatira*: which distinction makes it very probable that the angel is explained under that plurality, *to you*. The like to which many expressions may be found in those epistles, which to interpret according to the consentient evidence of other scriptures of the New Testament is not safe only, but solid and evidential.

Thirdly,

Thirdly, These writings are directed as epistolary letters to collective bodies usually are, that is, to one, but intended to the body : which your majesty illustrateth by your sending a message to your two houses, and directing it to the speaker of the house of peers : which as it doth not hinder (we confess) but that the speaker is one single person ; so it doth not prove at all that the speaker is always the same person ; or if he were, that therefore because your message is directed to him, he is the governor or ruler of the two houses in the least. And so your majesty hath given clear instance, that tho' these letters be directed to the angels, yet that notwithstanding they might neither be bishops, nor yet perpetual moderators. For the several opinions specified in your majesty's paper, three of them, by easy and fair accommodation (as we declared before) are soon reduced and united among themselves, and may be holden without recess from the received judgment of the christian church, by such as are far from meriting that aspersion which is cast upon the reformed divines by popish writers, that they have divided themselves from the common and received judgment of the christian church : which imputation, we hope, was not in your majesty's intention to lay upon us, until it be made clear that it is the common and received judgment of the christian church that now is, or of that in former ages, that the angels of the churches were bishops, having prelacy as well over pastors as people within their churches.

17. In the following discourse we did deny that the apostles were to have any successors in their office, and affirmed only *two* orders of ordinary and standing officers in the church, viz. presbyters and deacons. Concerning the former of which your majesty refers to what you had in part already declared ; " that in those things which " were extraordinary in the apostles, as namely the measure of " their gifts, &c. they had no successors *in eundum gradum* ; but " in those things which were not extraordinary, as the office of teaching and power of governing (which are necessary for the service of " the church in all times) they were to have, and had, successors." Where your majesty delivers a doctrine new to us ; namely, that the apostles had successors into their offices, not into their abilities : for (besides that succession is not properly into abilities, but into office, we cannot say that one succeeds another in his learning, or wit, or parts, but into his room and function) we conceive that the office apostolical was extraordinary in whole, because their mission and commission was so, and the service or work of teaching and governing being to continue in all times doth not render their office ordinary ; as the office of Moses was not rendered ordinary, because many works of government exercised by him were re-committed to the standing elders of Israel. And if they have successors, it must be either into their whole office, or into some parts. Their successors into the whole (however differing from them in measure of gifts and peculiar qualifications) must be called apostles ; the same office gives the same denomination ; and then we shall confess that bishops, if they be their successors in office, are of divine institution, because the apostolical office was so. If their successors come into part of their office only, the presbyters may as well be called their successors as the bishops, and so indeed they are called by some of the ancient fathers,

Origen,

Origen, Irenæus, Hierome, and others. Whereas in truth the apostles have not properly successors into office, but the ordinary power of teaching and governing (which is settled in the church for continuance) is instituted and settled in the hands of ordinary officers by a new warrant and commission, according to the rules of ordination and calling in the word, which the bishop hath not yet produced for himself, and without which he cannot challenge it upon the general allusive speeches used by the fathers without scruple.

18. And whereas your majesty numbers the extent of their work amongst those things which were extraordinary in the apostles; we could wish that you had declared whether it belong to their mission or unction: for we humbly conceive, that their authoritative power to do their work in all places of the world did properly belong to their mission, and consequently that their office as well as their abilities was extraordinary; and so by your majesty's own concession not to be succeeded into by the bishops.

19. As to the orders of standing officers of the church, your majesty, doth reply, "that although in the places cited, *Phil. 1. i.* " *1 Tim. iii. 8.* there be no mention but of the two orders only of " bishops or presbyters, and deacons, yet it is not thereby proved " that there is no other standing office in the church besides:" which we humbly conceive is justly proved, not only because there are no other named, but because there is no rule of ordaining any *third*, no warrant or *way of mission*; and so the argument is as good as can be made, *à non causa ad non affectum*: for we do not yet apprehend that the bishops pretending to the apostolick office do also pretend to the same manner of mission; nor do we know that those very many divines that have asserted *two orders only*, have concluded it from any other grounds than the scriptures cited.

20. "There appear" (as your majesty saith) "two other manifest " reasons why the office of bishops might not be so proper to be " mentioned in those places." And we humbly conceive there is a third more manifest than those two, viz. because *it was not*.

21. The one reason given by your majesty is, "because in the " churches which the apostles themselves planted, they placed presbyters under them for the office of teaching, but reserved in their " own hands the power of governing those churches, for a longer or " shorter time, before they set bishops over them." Which, under your majesty's favour, is not so much a reason why bishops are not mentioned to be in those places, as that they indeed were not. The variety of reasons (may we say? or conjectures) rendered why bishops were not set up at first, as namely because fit men could not be so soon found out, which is Epiphanius his reason; or for remedy of schism, which is Jerome's reason; or because the apostles saw it not expedient, which is your majesty's reason; doth shew that this cause labours under a manifest weakness. For the apostles reserving in their own hands the power of governing, we grant it, they could no more divest themselves of power of governing, than (as Dr. Bilson saith) they could lose their apostleship: had they set no bishops in all churches, they had no more parted with their power of governing than they did in setting up the presbyters; for we have proved, that presbyters, being called *rulers, governors, bishops,* had

had the power of governing in ordinary committed to them, as well as the office of teaching; and that both the keys, as they are called, being by our Saviour committed into one hand, were not by the apostle divided into two. Nor do we see how the apostle could reasonably commit the government of the church to the presbyters of Ephesus, *Acts* xx. and yet reserve the power of governing, viz. in ordinary, in his own hands, who took *his solemn leave of them, as never to see their faces more*. As concerning that part of the power of government which, for distinction's sake, may be called *legislative*, and which is one of the three fore-mentioned things challenged by the bishops, viz. *giving rules*, the reserving of it in the apostles hands hindered not but that (in your majesty's judgment) Timothy and Titus were bishops of Ephesus and Crete, to whom the apostle gives rules for ordering and governing of the church; nor is there any more reason that the apostles reserving that part of the power of governing which is called *executive*, in such cases and upon such occasions as they thought meet, should hinder the setting up of bishops, if they had intended it: and therefore the reserving of power in their hands can be no greater reason why they did not set up bishops at the first, than that they never did. And since, by your majesty's concession, the presbyters were placed by the apostles, first, in the churches by them planted, and that with power of governing, as we prove by scripture, you must prove the super-institution of a bishop over the presbyters by the apostles in some after-times, or else we must conclude that the bishop got both his name and power of government out of the presbyter's hand, as the tree in the wall roots out the stones by little and little as itself grows.

As touching Philippi, where your majesty saith, "it may be probable there was yet no bishop," it is certain there were many like them, who were also at Ephesus, to whom if only the office of teaching did belong, they had the most laborious and honourable part; that which was less honourable being reserved in the apostles hands, and the churches left in the mean time without ordinary government.

The other reason given why only two orders are mentioned in those places is, "because he wrote in the epistles to Timothy and Titus to them that were bishops, so there was no need to write any thing concerning the choice or qualification of any other sort of officers than such as belonged to their ordination or inspection: which were presbyters and deacons only, and no bishops."

21. The former reason why only two orders are mentioned in the epistle to the Philippians, was, because there was yet no bishop; this latter reason why the same two only are mentioned in these epistles, is, because there was no bishop to be ordained. We might own the reason for good, if there may be found any rule for the ordination of the other order of bishops in some other place of scripture; but if the ordination cannot be found, how should we find the order? And it is reasonable to think, that the apostle in the chapter formerly alledged, *1 Tim.* iii. where he passes immediately from the bishop to the deacon, would have distinctly expressed, or at least hinted, what sort of bishops he meant, whether the bishop

over presbyters, or the presbyter bishop, to have avoided the confusion of the name, and to have set as it were some mark of difference in the escutcheon of the presbyter bishop, if there had been some other bishop of a higher house. And whereas your majesty saith, there was no need to write to them about a bishop in a distinct sense, who belonged not to their ordination and inspection: we conceive that in your majesty's judgment, bishops might then have ordained bishops like themselves, for there was no then canon forbidding one single bishop to ordain another of his own rank: and there being many cities in Crete, Titus might have found it expedient (as those ancient fathers that call him archbishop think he did) to have set up bishops in some of those cities. So that this reason fights against the principles of those that hold Timothy and Titus to have been bishops. For our part we believe that these rules belonged not to Timothy and Titus, with strict limitations to Ephesus and Crete, but respectively to all the places or churches where they might come, and to all that shall at any time have the office of ordaining and governing; as it is written in the same chapter, *1 Tim. iii. 14, 15. These things I have written unto thee, that thou mayst know how to behave thyself in the house of God, which is the church.* And therefore if there had been any proper character or qualification of a bishop distinct from a presbyter, if any ordination or office, we think the apostle would have signified it; but because he did not, we conclude (and the more strongly from the insufficiency of your majesty's two reasons) that there are only two orders of officers, and consequently that a bishop is not superior to a presbyter: for we find not (as we said in our answer) that one officer is superior to another who is of the same order.

Concerning the ages succeeding the apostles.

Your majesty having in your first paper said, "that you could not in conscience consent to abolish episcopal government, because you did conceive it to be of apostolical institution, practised by the apostles themselves, and by them committed and derived to particular persons as their successors, and hath ever since till these last times been exercised by bishops in all the churches of Christ;" we thought it necessary in our answer, to subjoin to that we had said out of the scriptures, the judgment of divers ancient writers and fathers, by whom bishops were not acknowledged as a divine, but as an ecclesiastical institution, as that which might very much conduce both to the easing of your majesty's scruple, to consider that howsoever episcopal government was generally current, yet the superscription was not judged divine by some of those that either were themselves bishops, or lived under that government; and to the vindication of the opinion which we hold from the prejudice of novellism, or of recess from the judgment of all antiquity.

We do as firmly believe (as to matter of fact) that Chrysostome and Austin were bishops, as that Aristotle was a philosopher, Cicero an orator; though we should rather call our faith and belief thereof certain in matter of fact, upon human testimonies uncontrolled, than infallible in respect of the testimonies themselves. But whereas your majesty saith, "That the darkness of the history of the church in the times succeeding the apostles is a strong argument for episcopacy"

“ copacy, which notwithstanding that darkness hath found so full
 “ proof by unquestioned catalogues, as scarce any other matter of
 “ fact hath found the like :” we humbly conceive that these fore-
 mentioned times were dark to the catalogue makers, who must de-
 rive the series of succession from and through those historical dark-
 nesses, and so make up their catalogues very much from traditions
 and reports, which can give no great evidence, because they agree
 not amongst themselves : and that which is the great blemish of their
 evidence is, that the nearer they come to the apostles times (wherein
 they should be most of all clear, to establish the succession firm and
 clear at first) the more doubtful, uncertain, and indeed contradictory
 to one another, are the testimonies. Some say that Clemens was first
 bishop of Rome after Peter ; some say the third : and intricacies about
 the order of succession in Linus, Anacletus, Clemens, and another
 called Cletus (as some affirm) are inextricable. Some say that Ti-
 tus was bishop of Crete ; some say, archbishop ; and some, bishop
 of Dalmatia. Some say that Timothy was bishop of Ephesus, and
 some say that John was bishop of Ephesus at the same time. Some
 say that Polycarpus was the first bishop of Smyrna ; another saith
 that he succeeded one Bucolus ; and another, that Aristo was first.
 Some say that Alexandria had but one bishop, and other cities two ;
 and others, that there was but one bishop of one city at the same
 time. And how should these catalogues be unquestionable, which
 must be made up out of testimonies that fight one with another ? we
 confess that the ancient fathers, Tertullian, Irenæus, &c. made use
 of succession as an argument against hereticks or innovators, to prove
 that they had the *traduces apostolici seminis*, and that the godly and
 orthodox fathers were on their side. But that which we now have
 in hand is succession in office ; which, according to the catalogues,
 resolves itself into some apostle or evangelist, as the first bishop of
 such a city or place, who (as we conceive) could not be bishops of
 those places, being of higher office ; though, according to the lan-
 guage of after-times, they might by them that drew up the catalogues
 be so called, because they planted and founded, or watered those
 churches to which they are entituled, and had their greatest residence
 in them. Or else the catalogues are drawn from some eminent men
 that were of great veneration and reverence in the times and places
 where they lived, and presidents or moderators of the presbyteries,
 whereof themselves were members : from whom to pretend the suc-
 cession of after bishops, is as if it should be said that Cæsar was suc-
 cessor to the Roman consuls. And we humbly conceive that there
 are some rites and ceremonies used continually in the church of old,
 which are asserted to be found in the apostolical and primitive times,
 and yet have no colour of divine institution ; and which is argument
 above all other, the fathers, whose names we exhibited to your ma-
 jesty in our answer, were doubtless acquainted with the catalogues
 of bishops who had been before them, and yet did hold them to be of
 ecclesiastical institution.

And lest your majesty might reply, “ That however the testimo-
 nies and catalogues may vary, or be mistaken, in the order, or
 “ times, or names of those persons that succeeded the apostles, yet
 “ all agree that there was a succession of some persons ; and so, tho’

"the credit of the catalogues be *infirm*ed, yet the thing intended is confirmed thereby. We grant that a succession of men to feed and govern those churches, while they continued churches, cannot be denied, and that the apostles and evangelists, that planted and watered those churches (though extraordinary and temporary officers) were by ecclesiastical writers, *in compliance with the language and usage of their own times*, called bishops; and so were other eminent men, of chief note, presiding in the presbyteries of the cities or churches, called by such writers as wrote after the division or distinction of the names of presbyters and bishops. But that those first and ancientest presbyters were *bishops in proper sense*, according to your majesty's description, *invested with power over presbyters and people, to whom (as distinct from presbyters) did belong the power of ordaining, giving rules, and censures*, we humbly conceive can never be proved by authentick or competent testimonies. And granting that your majesty should prove the succession of bishops from the primitive times *seriatim*; yet if these from whom you draw, and through whom you derive it, be found either more than bishops, as apostles, and extraordinary persons, or less than bishops, as merely first presbyters, having not one of the three essentials to episcopal government (mentioned by your majesty) in their own hand; it will follow, that all your that majesty hath proved by this succession is the homonymy and equivocal acceptation of the word *episcopus*.

26. For Clemens his testimony, which your majesty conceiveth to be made use of as "our old fallacy, from the promiscuous use of the words to infer the indistinction of the things;" we refer ourselves to himself in his epistle, now in all mens hands, whose testimony we think cannot be eluded but by the old artifice, of hiding the bishop under the presbyter's name: for they that have read his whole epistle, and have considered that himself is called a bishop, may doubt of Clement's opinion concerning the distinct offices of bishops and presbyters, or rather not doubt of it, if only his own epistle may be impanneled upon the inquest. Concerning Ignatius his epistles, your majesty is pleased to use some earnestness of expression, charging some of late, without any regard of ingenuity or truth, out of their partial disaffection to bishops, to have endeavoured to discredit his writings. One of those cited by us cannot (as we conceive) be suspected of disaffection to bishops; and there are great arguments (drawn out of those epistles themselves) betraying their insincerity, adulterate mixtures, and interpolations; so that Ignatius cannot be distinctly known in Ignatius. And if we take him in gross, we make him the patron (as Baronius and the rest of the popish writers do) of such rites and observations as the church in his time cannot be thought to have owned. He doth indeed give testimony to the prelacy of a bishop above a presbyter; that which may justly render him suspected is, that he gives too much. Honour (saith he) the bishop, as God's high priest, and after him you must honour the king. He was indeed a holy martyr, and his writings have suffered martyrdom as well as he: corruptions could not go uncurrent but under the credit of worthy names.

27. That which your majesty saith in your fourth paragraph, "that we might have added, (if we had pleased) that James, Ti-

"mo-

“ mothy, Titus, &c. were constituted and ordained bishops of the
 “ forementioned places respectively, and that all the bishops of those
 “ times were reputed successors to the apostles in their episcopal
 office ;” we could not have added it without prejudice (as we humbly
 conceive) to the truth : for the apostles did not ordain any of them-
 selves bishops, nor could they do it, for even by our majesty's con-
 cession they were bishops before, viz. as they were apostles ; nor
 could any apostle his choice of a certain region or place to exercise
 his function in, whilst he pleased, render him a bishop any more
 than Paul was bishop of the Gentiles, Peter of the circumcision.
 Neither did the apostles ordain the evangelists bishops of those places
 unto which they sent them ; nor were the bishops of those times any
 more than, as your majesty saith, “ reputed successors to the apostles
 “ in their episcopal office ;” they came after the apostles in the
 churches by them planted ; so might presbyters do. But that is not
 properly *succession*, at least not *succession* into office ; and this we say
 with a salvo to our assertion, that in those times there were no such
 bishops distinct from presbyters. Neither do we understand, whether
 the words *episcopal office* in this section refer to the bishops or apostles:
 for in reference to apostles, it insinuates a distinction of the apostles
 office into apostolical and episcopal, or that the office apostolical was
 wholly episcopal ; unto neither of which we can give our consent
 for reasons forementioned. To the testimonies by us recited in proof
 of two only orders, your majesty answers, first, “ that the promiscu-
 “ cuous use of the names of bishops and presbyters is imported.”
 That which your majesty not long ago called our old fallacy, is now
 your answer, only with this difference : we under promiscuous names
 hold the same office : your majesty under promiscuous names supposes
 two, which if, as it is often asserted, was but once proved, we should
 take it for a determination of this controversy. Secondly, “ that
 “ they relate to a school-point, or a nicety, *utrum episcopatus sit ordo*
 “ *vel gradus* ? both sides of the questionists or disputants in the
 “ mean time acknowledging the right of church-government in the
 “ bishops alone.” It is confessed by us, that that question, as it is
 stated by popish authors, is a curious nicety, to which we have no eye
 or reference ; for though the same officers may differ from and excel
 others of the same order in gifts or qualifications, yet the office itself
 is one and the same, without difference or degrees, as one apostle
 or presbyter is not superior to another in the degree of office ; they
 that are of the same order are of the same degree in respect of office ;
 as having power and authority to the same acts. Nor doth the scrip-
 ture warrant or allow any superiority of one over another of the same
 order ; and therefore the proving of two orders only in the church
 is a demonstration that presbyters and bishops are the same. In which
 point the scripture will counter-balance the testimonies of those that
 assert three degrees or orders, though ten for one. But, for easing
 of your majesty of the trouble of producing testimonies against those
 cited by us, we make this humble motion, that the regiments on both
 sides may be discharged out of the field, and the point disputed by
 dint of holy scripture. *Id verum quod primum.*

28. Having passed through the argumentative parts of your ma-
 jesty's reply, wherein we should account it a great happiness to have

given your majesty any satisfaction, in order whereunto you pleased to honour us with this employment, we shall contract ourselves in the remainder, craving your majesty's pardon, if you shall conceive us to have been too much in the former, and too little in that which follows. We honour the pious intentions and munificence of your royal progenitors; and do acknowledge, that ornamental accessions granted to the person do not make any substantial change in the office: the real difference betwixt that episcopal government which first obtained in the church, and the present hierarchy, consists in *ipso regimine & modo regiminis*; which cannot be clearly demonstrated in particulars, until it be agreed on both sides what that episcopacy was then, and what the hierarchy is now; and then it would appear whether these three forementioned essentials of episcopal government were the same in both. For the power under christian princes and under pagan is one and the same, though the exercise be not. And we humbly receive your majesty's pious advertisement, (not unlike that of Constantine's) stirring us up, as men unbiassed with private interests, to study the nearest accommodation and best resemblance to the apostolical and primitive times. But for your majesty's salvo to the bishops sole power of ordination and jurisdiction, and that distinction of ordination, authoritative in the bishop, and concomitant in the presbytery, which you seem to found upon these two texts, 2 Tim. i. 6. 1 Tim. iv. 14. and which is used by Dr Bilson, and other defenders of episcopacy, in explication of that canon of the fourth council of Carthage, which enjoins the joint imposition of the bishops and presbyters hands, we shall give your majesty an account when we shall be called to the inquisition thereof: albeit that we do not for the present see, but that this proviso of your majesty renders our accommodation to the apostolical and primitive times (whereunto you did exhort us) unfeasible. We notwithstanding do fully profess our acknowledgement of subordination of the outward exercise of jurisdiction to the sovereign power, and our accountableness to the laws of the land.

29. As for your majesty's three questions of great importance, "Whether there be a certain form of government left by Christ and his apostles to be observed by all christian churches? Whether it bind perpetually, or be upon occasion alterable in whole or in part? Whether that certain form of government be the episcopal, presbyterian, or some other differing from them both?" The whole volume of ecclesiastical policy is contained in them; and we hope that neither your majesty expected of us a particular answer to them at this time, nor will take offence at us, if we hold only to that which is the question in order to the bill of abolition. For we humbly profess our readiness to serve your majesty, in answering these or any other questions within our proper cognisance, according to the proportion of our mean abilities.

30. For your majesty's condescension, in vouchsafing us the liberty and honour of examining your learned reply clothed in such excellency of style, and for your exceeding candour shewed to such men as we are, and for the acceptance of our humble duty, we render to your majesty most humble thanks, and shall pray, That such a pen in the hand of such abilities may ever be employed in a subject worthy

thy of it : That your majesty would please to consider, that in this point under debate, succession is not the best clue, and most certain and ready way to find out the original ; for to go that way, is to go the furthest way about, yea, to go backward : and when you are at the spring, viz. the scripture itself, you go to the rivers end, that you may seek the spring. And that the Lord would guide your majesty, and the two houses of parliament, by the right hand of his counsel, and shew you a happy way of healing our unhappy differences, and of settling the commonwealth of Jesus Christ, which is the church ; so as all the members thereof may live under you in all godliness, peace, and honesty.

*V. His Majesty's final Answer concerning Episcopacy,
Nov. 1, 1648.*

WHAT you have offered by way of reply to his majesty's second paper of October 6th, in yours of October 17th, in order to the further satisfaction of his conscience in the point of episcopacy, his majesty heard, when it was publicly read by you, with diligent attention, and hath since (so far as his leisure would permit) taken the same into his private and serious consideration ; wherein his majesty not only acknowledgeth your great pains and endeavours to inform his judgment, according to such persuasions as yourselves have in the matter in debate ; but also taketh special notice of the civility of your applications to him both in the body and conclusion of your reply ; yet he cannot but observe withal, that in very many things you either mistake his meaning and purpose in that paper, or at least come not up fully enough thereunto in this reply. Which to have shown will sufficiently demonstrate your present reply to be unsatisfactory in that behalf, without making a particular answer to every passage in it, which to a paper of that length would require more time than his majesty can think fit (amidst the present weighty affairs) to allow unto a debate of this nature ; especially since his majesty hath often found mutual returns of long answers and replies, to have rather multiplied disputes by starting new questions, than informed the conscience by removing former scruples.

As to the scriptures cited in the margin of his majesty's first paper [1 reply, § 1, 2.] It being granted by you, that those scriptures did prove the apostles, and others, being single persons, to have exercised respectively the

several powers in the paper specified, which powers, by your own confession in this reply, § 7. a single person who is but a mere presbyter hath no right to exercise; and it being withal evident that a bishop in the ecclesiastical sense, and as distinct from a presbyter, layeth claim to no more than to a peculiar right in the exercise of some or all of the said powers, which a mere presbyter hath not: the conclusion seemeth natural and evident, that such a power of church-government as we usually call episcopal is sufficiently proved by those scriptures.

2. *As to the bishops challenge*, [reply, § 3, 4, 5.] First, when you speak of a writ of partition, you seem to take his majesty's words, as if he had shared and cantoned out the episcopal office, one part to the bishops alone, another to the presbyters alone; and you fall upon the same again afterwards [§ 6.] whereas his majesty's meaning was, and by his words appeareth so to have been, that one part of the office, that of teaching, &c. was to be common to both alike; but the other part, of governing churches, peculiar to the bishops alone.

Secondly, you infer, from his majesty's words, "That the bishops challenge appeareth to be grown to more than was formerly pretended to." Which inference his majesty's words, by you truly cited, if rightly understood, will not bear. For having proved from scripture the power of church-government in all the three mentioned particulars to have been exercised by the apostles and others: his majesty said but this only, "That the bishops challenge no more or other power to belong unto them, in respect of their episcopal office, than what properly falleth under one of these three." The words are true; for he that believeth they challenge not so much, might safely say they challenge no more. But the inference is not good; for he that saith they challenge no more, doth not necessarily imply they challenge all that. In the power of ordination, which is purely spiritual, his majesty conceiveth the bishops challenge to have been much what the same in all times of the church: and therefore it is that the matter of ordination is most insisted on, as the most constant and most evident difference between bishops and presbyters, especially after the time of Constantine, which

which his majesty, by your relating to Chrysostome and Hierome, taketh to be the same you call the times of *grown episcopacy*. But his majesty seeth no necessity that the bishops challenge to the power of jurisdiction should be at all times as large as the exercise thereof appeareth at sometimes to have been; the exercise thereof being variable according to the various conditions of the church in different times. And therefore his majesty doth not believe that the bishops under christian princes do challenge such an amplitude of jurisdiction to belong unto them in respect of their episcopal office precisely, as was exercised in the primitive times by bishops before the days of Constantine. The reason of the difference being evident, that in those former times under Pagan princes, the church was a distinct body of itself, divided from the commonwealth, and so was to be governed by its own rules and rulers; the bishops, therefore, of those times, though they had no outward coercive power over mens persons or estates, yet in as much as every christian man, when he became a member of the church, did *ipso facto*, and by that his own voluntary act, put himself under their government, they exercised a very large power of jurisdiction in *spiritualibus*, in making ecclesiastical canons, receiving accusations, conventing the accused, examining witnesses, judging of crimes, excluding such as they found guilty of scandalous offences from the Lord's supper, enjoining penances upon them, casting them out of the church, receiving them again upon their repentance, &c. And all this they exercised as well over presbyters as others. But after that the church under christian princes began to be incorporated into the commonwealth, whereupon there must of necessity follow a complication of the civil and ecclesiastical powers, the jurisdiction of bishops (in the outward exercise of it) was subordinate unto, and limitable by, the supreme civil power, and hath been, and is at this day, so acknowledged by the bishops of this realm.

Thirdly, you seem to affirm in a parenthesis, "as if nothing were confessed to have been extraordinary in the apostles but their gifts and enablements only;" whereas his majesty hath in expresse words named as

extraordinaries also, the extent of their charge, and the infallibility of their doctrine, without any meaning to exclude those not named, as their immediate calling, and if there be any other of like reason.

Fourthly, for the claim to a *jus divinum*, his majesty was willing to decline both the term (as being by reason of the different acceptation of it subject to misconstruction) and the dispute, whether by Christ, or his apostles. Nevertheless, although his majesty sees no cause to dislike their opinion who derive the episcopal power originally from Christ himself, without whose warrant the apostles would not either have exercised it themselves, or derived it to others: yet for that the practice in them is so clear and evident, and the warrant from him expressed but in general terms, *As my Father sent me, so send I you*, and the like, he chose rather (as others have done) to fix the claim of the power upon that practice, as the more evidential way, than upon the warrant, which by reason of the generality of expression would bear more dispute.

3. *As to the definition of episcopacy* [reply, § 6.] First, whereas you except against it, for that it is competent to archiepiscopal and patriarchal government, as well as episcopal, his majesty thinketh you might have excepted more justly against it, if it had been otherwise.

Secondly, his majesty believeth that even in the persons by you named (Timothy, Titus, and the angels) the definition in all the parts of it is to be found, viz. that they were all single persons; that they had their several peculiar charges; and that within their several precincts they had authority over presbyters as well as others.

Neither, thirdly, doth his majesty think it needful that any word be added to the *genus* in the definition, or that the scripture should any where put all the parts of the definition together. It would be a hard matter to give such a definition of an apostle, or a prophet, or an evangelist, or a presbyter, or a deacon, or indeed almost of any thing, as that the parts thereof should be found in any place of scripture put all together.

Fourthly, his majesty consenteth with you, that the point in issue is not the name or work merely, but the office,

office, and that it were a fallacy to argue a particular office from a general or common work: but judgeth withal, that it can be no fallacy to argue a particular office from such a work as is peculiar to that office, and is as it were the *formalis ratio* thereof; and therefore no fallacy from a work done by a single person which a single presbyter hath no right to do, to infer an office on that person distinct from the office of a presbyter.

4. *As to the scriptures cited by you, viz. Titus i. Acts xx. 2 Peter v. [reply, § 7.]* First, when you say you "take his majesty's concession, that in those times of the church and places of scripture there was no distinct office of bishops and presbyters;" if you take it so, truly you take it *gratis*, (his majesty never gave it you;) and you mistake it too more ways than one; for to speak properly, his majesty made no concession at all. It was rather a preterition in order to the present business, and to avoid unnecessary disputes, which ought not to be interpreted as an acknowledgement of the truth of your expositions of those places. For his own express words are, "although his majesty be not sure that the proof will reach so far in each of those places," which words plainly evidence, that which you call his majesty's concession, to be indeed no concession, but to have been meant according to that form of speech very usual in disputations, *dato, non concessio*. But in that concession, such as it is, his majesty is not yet able to imagine what you could find whereon to ground those words, "That in those times of the church there was no distinct," &c. there being not any thing in the whole passage that carrieth the least sound that way, or that hath relation to any particular times of the church. Neither is the concession such as you take it, as it relateth to those places of scripture. What his majesty said was confessed on all sides (which are the words you take for a concession) was but this, that supposing (but not granting) the word bishop to be used in all those places to signify a presbyter, the office and work in those places mentioned as the office and work of a bishop, are, upon that supposal, the office and work of a presbyter; which is so manifest a truth, that no

man without admitting contradictions can say the contrary. But how wide or short that is from what you make to be his majesty's concession, yourselves by comparing his words with yours may easily judge. But yourselves a little after make a concession which his majesty (warned by your example how soon another's meaning may be mistaken when his words are altered) is willing to take in the same words you give it, viz. when you say, and you bring reasons also to prove it, "That it seemeth manifest that ordinations and censures are not to be exercised by a single presbyter."

Secondly, you repeat your arguments formerly drawn from those places, and press the same from the force of the words *προϊσταται* and *ἐπισκοπεῖ*, and from the circumstances of the text, and otherwise; adding withal, that his majesty hath waved the notice or answer of something by you alledged therein. Hereunto his majesty saith, that he waved not any thing in your former paper for any great difficulty he conceived of answering it; but being desirous to contract his answer, and knowing to what frailties arguments, drawn from names and words and conjectural expositions of scripture are subject, he passed by such things as he deemed to be of least consideration, in order to the end of the whole debate, to wit, the satisfaction of his judgment and conscience in the main business. Otherwise his majesty could have then told you, that there are, who, by the like conjectures, grounded, as seemeth to them, upon some probabilities in the text, interpret those places in the Acts and in St Peter, of bishops properly so called; and in the restrained ecclesiastical sense, rather than of ordinary presbyters; that supposing them both meant of ordinary presbyters, the words, *προϊσταται*, and *ἐπισκοπεῖ*, which signify to feed and oversee, might not unfitly be applied to them as inferior pastors, in relation to their flocks under their charge and oversight (the flock being in both the places expressly mentioned) which hindereth not, but that the same words may in a more peculiar manner be appropriated to bishops in respect of that authority and oversight they have even over presbyters themselves also; that still granting their own interpretation of the word

bishop

bishop in that place in Titus, it can prove no more than that the two names in that place are given to the same function; that from all the premises in your paper there laid together, and supposed true, his majesty doth not conceive it justly proved, that the office of a bishop and presbyter is wholly the same, but at the most, that the offices were not in those places distinguished by those names.

Thirdly, if the "assignment of any particular qualification, work, or duty, unto a bishop, distinct from a presbyter, by the scripture, would (as you say) put this question near to an issue;" his majesty should well have hoped that it might soon have brought to a near point, and that from the evidence of the epistles only of St Paul to Timothy, wherein as he particularly expresseth the qualification, work, and duty of presbyters and deacons, that Timothy might know what persons were fit to be ordained unto those offices; so in the directions given to Timothy throughout those epistles, he sufficiently describeth the qualification, work, and duty of a bishop, that Timothy might know how to behave himself in the exercise of his episcopal office, as well in ordaining as governing the church.

5. As to the signification of the word *episcopus*, the primary signification thereof, and the application of it to church officers, you acknowledge; and that the same was after by ecclesiastical usage appropriated to bishops you deny not; but the distinction of *episcopus gregis* and *episcopus pastorum* you do not allow. If you disallow it for the unfitness of the word, as may seem by that passage, where you say that his majesty hath said that *episcopus* signifieth a keeper of shepherds, his majesty thinketh you might very well have spared that exception: for if there be a person that hath the oversight of many shepherds under him, there is no more impropriety in giving such a person the stile of *episcopus pastorum*, than there is in using the word ἀρχιποιμην or in calling Doeg the master of Saul's herdsmen. And for the thing itself, it cannot be denied but that the apostles, and Timothy and Titus (by what claim, ordinary or extraordinary, as to the present business it mat-

ters

ters not) had the oversight over many pastors, and were therefore truly and really *episcopi pastorum*.

The appropriation of the names of *episcopus* and *presbyter* to these distinct offices, considering that it was done so early, and received so universally in the church, as by the writings of Clemens, Ignatius, the canons commonly called of the apostles, and other ancient evidences doth appear, his majesty hath great reason to believe that it was done by consent of the primitive bishops, merely in honour of the apostles, out of their respect and reverence to whose persons and personal prerogatives, they chose to call themselves bishops rather than apostles in common usage; although they made no scruple to maintain their succession from the apostles, when they spake of things proper to their episcopal function, nor to use upon occasion the terms of apostle and apostolical in that sense. The truth of all which is to be seen frequently in the writings of the ancients.

The testimonies of so many writers ancient and modern, as have been produced for the scripture original of bishops, his majesty conceiveth to be of so great importance in a question of this nature, that he thinketh himself bound both in charity and reason to believe, that so many men of such quality would not have asserted the same with so much confidence, but upon very good ground. The men respectively of high estimation and reverend authority in the church, worthily renowned for their learning and piety, of moderate and even passions, of orthodox belief, sundry of them uninterested in the quarrel, and some of them of later times by interest and education biaſſed the other way. Their assertions, positive, peremptory, and full of assurances, (*constat, & nemo ignorat*, it is clear, none can be ignorant, and other such like expressions) namely that Christ constituted bishops in the apostles; that it was founded upon a divine law; that episcopacy is *διάταξις Θεῆς*, the ordinance of God; that it seemed good to the Holy Ghost so to order it, &c. Insomuch as they accounted Acrius an heretic for holding the contrary. And this their judgment they delivered as led thereunto by evidence of scripture (*Θεὸς λόγος διδάσκει*, God's word teacheth

eth it; *apertis scriptura testimoniis*, it appeareth by plain testimonies of scripture; *discimus ex hoc loco*, from this place we learn, and the like.) Which testimonies should they be encountered (as his majesty doth not yet believe they can be) with a cloud of witnesses to the contrary, for number, and in every other respect, equal thereunto; yet should not the authority of their evidence in reason be much lessened thereby; inasmuch as one witness for the affirmative ought to be of more value than ten for the negative, and the testimony of one person that is not interested, than of a hundred that are.

And whereas you seem in this question to decline this kind of trial, because "matter of right is properly triable by scripture;" his majesty conceiveth this present question, in what terms soever proposed, to be yet in the true stating of it, and in the last resolution, clearly a question of fact, and not of right; for what right soever the bishops have, or pretend to have, must be derived from the fact of Christ or his apostles. Which matter of fact, if it be not in the most plain historical manner that may be, related in the scriptures, but is to be deduced thence by topical remote inferences and probability of conjectures, the most rational and proper expedient for the finding out of the right is to have recourse to the judgment, but especially to the practice, of the nearest and subsequent times, according to the received maxims, *Lex currit cum praxi, & consuetudo optimus interpres legum*. Now he that shall find by all the best records extant, that the distinction of bishops from, and the superiority over, presbyters was so universally and speedily spread over the face of the whole world, and their government submitted unto so unanimously by the presbyters, that there never was any considerable opposition made there-against before Aerius, (and that cryed down as an heresy) nor since, till this last age; and shall duly consider withal, that if episcopal government had not then been conceived to have had its institution from the authority of Christ or his apostles, or if any other form of church-government could have pretended to such institution, it had been the most impossible thing in the world, when there
neither

neither was any outward coercive power to enforce it, nor could be any general council to establish it, to have introduced such a form of government so suddenly and quietly into all christian churches, and not the spirit of any one presbyter, for ought that appeareth, for above three hundred years, to have been provoked either through zeal, ambition, or other motive, to stand up in the just defence of their own and the church's liberty against such an usurpation: his majesty believeth that whosoever shall consider the premises, together with the scripture-evidences that are brought for that government, will see reason enough to conclude the same to have something of divine institution in it, notwithstanding all the evasions and objections, that the subtil wit of man can devise to persuade the contrary. And therefore his majesty thinketh it fit plainly to tell you, that such conjectural interpretations of scripture as he hath yet met with in this argument, how handsomely soever set off, are not engines of strength enough to remove him from that judgment wherein he hath been settled from his childhood, and findeth so consonant to the judgment of antiquity, and to the constant practice of the christian church for so many hundred years; which in a matter of this nature ought to weigh more than mere conjectural inferences from scripture-texts that are not so attested. Which having now once told you, his majesty thinketh himself discharged from the necessity of making so large and particular an answer to every allegation in the sequel of your reply, as hitherto he hath done.

6. *As to the apostles mission and succession.*] To make his answer the shorter to so long a discourse, his majesty declareth that his meaning was not, by distinguishing the *mission* and *unction* of the apostles, so to confine them as if they should relate precisely and exclusively, the one to the office, the other to the abilities; but that they did more especially and eminently so relate: for the apostles after their last mission, (*Matth. xxviii. 19, 20.*) whereby they were further warranted to their office and work, were yet to wait for that promised anointing, (*Luke xxiv. 49. Acts i. 4.*) the special effect whereof was the enduing them with gifts of the Holy Ghost, for the

the better and more effectual performing of that their work and office. Nor was it his majesty's meaning to restrain the extraordinaries in the apostolical office to those gifts only : (for his majesty afterwards in the same paper mentioneth other extraordinaries also, as before is said) but only to instance in those gifts, as one sort of extraordinaries, wherein the apostles were to have no successors. But his majesty's full meaning was, that the whole apostolical office (setting aside all and only what was personal and extraordinary in them) consisted in the work of teaching and governing ; which being both of necessary and perpetual use in the church to the world's end, the office therefore was also only to continue, and consequently, the persons of the apostles being mortal, to be transmitted and derived to others in succession : and that the ordinary successors of the apostles immediately, and into the whole office both of teaching and governing, are properly the bishops ; the presbyters succeeding them also, but in part, and into the office of teaching only, and that mediately and subordinately to the bishops, by whom they are to be ordained and authorized thereunto, which his majesty taketh not to be, as you call it, a *dissolving* of the apostolical office.

Now the ground of what his majesty hath said concerning the manner of succession to the apostles, that it may appear not to have been said *gratis*, is this ; the things which the scriptures record to have been done by Christ or his apostles, or by others at their appointment, are of three sorts : some acts of power merely extraordinary ; others, acts of an ordinary power, but of necessary and perpetual use ; other some, lastly, and those not a few, occasional and prudential, fitted to the present condition of the church in several times. To the apostles in matters of the first sort none pretend succession ; nor are either the examples of what the apostles themselves did, or the directions that they gave to others what they should do, in matters of the third sort, to be drawn into consequence so far as to be made necessary rules, binding all succeeding church-officers in all times to perpetual observation. So that there remain the things of the middle sort only, which we may call
Substantials,

Substantials, into which the apostles are to have ordinary and standing successors. But then the difficulty will be, by what certain marks extraordinaries, substantials, and prudentials may be known and distinguished each from other.—Evident it is, the scriptures do not afford any particular discriminating characters, whereby to discern them; the acts of all the three sorts being related in the like narrative forms, and the directions of all the three sorts expressed in the like preceptive forms. Recourse therefore must of necessity be had to those two more general *criteria* (the laws of all human actions) reason and common usage. Our own reason will tell us, that instructing the people of God in the christian faith, exhorting them to piety and good works, administering the sacraments, &c. which belong to the office of teaching; that ordaining of ministers, inspection over their lives and doctrines, and other administrations of ecclesiastical affairs belonging to the office of governing, are matters of great importance, and necessary concernment to the church in all ages and times; and therefore were to be concredited to standing officers in a line of succession, and accordingly were judged, and the continuance of them preserved in the constant usage of the churches of Christ: but that, on the other side, the decrees concerning abstinence from blood and strangled, *Acts* xv. the directions given for the ordering some things in the church-assemblies, *1 Cor.* xiv. for making provisions for the poor; *1 Cor.* xvi. for the choice and maintenance of widows, *1 Tim.* v. for the enoiling of the sick, *James* v. 14. and other like, were but occasional, prudential, and temporary, and were so esteemed by the churches, and the practice of them accordingly laid aside. So for the succession into the apostolical office, we find in the scriptures evidence clear enough, that the apostles committed to others, as namely to Timothy and Titus, the power both of teaching and governing the churches. And common reason and prudence dictating to us, that it is good, for the edifying of the church, that there should be many teachers within a competent precinct, but not so that there should be many governors; and the difference of bishops and presbyters to the purposes aforesaid having been by continual usage received and pre-

preserved in the christian church, down from the apostles to the present times, his majesty conceiveth the succession of bishops to the apostles into so much of their office as was ordinary and perpetual, and such a distinction of bishops and presbyters as his majesty hath formerly expressed, needeth no further confirmation from scripture (to such as are willing to make use of their reason also, which in interpreting scripture upon all other occasions they are inforced to do) nor any thing by you produced in this paragraph any further answer: only that distinction of *eminently* and *formally*, because you illustrate it by instancing in himself, his majesty could not but take notice of, which he either understandeth not, or thinketh your illustration thereof, not to be very apposite: for actions and operations flow from the forms of things, and demonstrate the same, as effects do their causes. The apostles therefore acting in the ordinary exercise of church-government, did act not eminently only, but formally also, as bishops rather than apostles.

7. *As concerning Timothy and Titus.*] First, whether they were evangelists or no, his majesty never meant to dispute; only because you often call for scripture-proof, his majesty thought fit to admonish you, that in your answer you take two things for granted (viz. that Timothy and Titus were evangelists, and that evangelists were such officers as you described) neither of which, if it should be denied, you could clearly prove from scripture alone, without calling in the help of other writers to attest it, as in your reply you have now done master Hooker's: neither have you indeed brought any thing in this reply out of scripture to prove either of both, sufficient to convince him that were of a contrary mind. Secondly, you seem (§ 12.) to mistake that which was the third point in that part of his majesty's paper, which was not whether Timothy and Titus were *evangelists* or no; (concerning which his majesty neither did, nor doth contend) but whether in the church-government they exercised they acted as evangelists (as you affirm) and so only as extraordinary officers, or not. Zuinglius having said that the name of a bishop and evangelist is the same thing, proveth it from 2 Tim. iv. and concludeth, *constat idem fuisse officium utriusque*, bishop,

bishop and evangelist the same office both. Gerard saith, the word *evangelist* in that place is taken generally, and not in the special sense, that is to say, for a minister of the gospel at large, (and the context there indeed seemeth to import no more) and not for an evangelist by peculiar office. And Scultetus not only affirmeth, that St. Paul appointed Timothy and Titus to Ephesus and Crete, not as evangelists, but as church-governors; but saith further, that the epistles written to them both do evince it, and also bringeth reasons to prove it. Upon what particular reasons Gillespy, &c. reject the conceit of their acting as evangelists, his majesty certainly knows not: but if this be one of their arguments, (as, to their best remembrance from whom his majesty had the information, it is) “ that if what-
 “ soever is alleged from the scripture to have been done
 “ by the apostles, and by Timothy and Titus, in point
 “ of ordination, discipline, and government, may be
 “ eluded by this, that they acted therein as extraordi-
 “ nary officers; there will be no proof at all from scrip-
 “ ture of any power left in any ordinary church-officer
 “ to the purposes aforesaid:” his majesty then recommendeth to your most sober thoughts to consider, first, how this conceit of their acting as extraordinary ministers only, tends to the subversion of all ministers, as well as of the bishops, (since upon this very ground especially the Socinians deny all mission and ordination of ministers in the church;) and secondly, if the contrary be proved by Gillespy, &c. by good arguments, that they acted as ordinary officers in the church, then, whether they have not thereby laid a better foundation for the claim of the bishops, (viz. of governing the churches as single persons in ordinary office) than either they or you are willing to acknowledge.

Thirdly, his majesty thinketh it a great liberty which you take in rendering the sense of his reply as you have done; viz. “ The scriptures never call them bishops,
 “ but the fathers do,” &c. whereas if you had followed his sense in that paper, you might rather have delivered thus, The scripture describeth them as bishops, and the fathers call them so. For that of yours, “ the
 “ scripture calls Timothy an evangelist; some of late
 “ have

“ have refuted it, and rejected it with scorn :” you should have said rather, The scripture doth not any where affirm of Titus, nor clearly prove of Timothy, that they were (by peculiar office) evangelists ; but that in governing the churches they acted as evangelists, or extraordinary officers, is by sundry late writers (the evasion itself having been but of late time minted) refuted and rejected. For that of yours, “ the scripture relates “ their motion from church to church : but some “ affirm them to be fixed at Ephesus and in Crete ;” it should have been, Neither doth their motion from church to church hinder but that they might afterward be fixed at Ephesus and in Crete : neither doth their being bishops of Ephesus and Crete hinder but that they might afterwards, for propagation of the gospel, be by the apostles appointment often employed elsewhere. For that of yours, “ the scripture makes distinction of evangelists and pastors, but some say that “ Timothy and Titus were both ;” it should have been, the scripture maketh no such distinction of evangelists and pastors, but that the same person might not only successively be both, but even at the same time also be called by both names.

Fourthly, though you say, “ you do not undervalue “ the testimonies and catalogues mentioned,” yet you endeavour (which cometh not far short of undervaluing) to lessen the reputation of both but too much. Of those testimonies, by putting them off, as if, when they report Timothy and Titus, and others, to have been bishops, they speak but vulgarly, or by way of allusion, and not exactly as to the point in debate. But of Hierom, upon whom you chiefly rely in this cause, the contrary is evident, who, in his catalogue of ecclesiastical writers, wherein he was to deliver things *fide historica*, and to describe the persons of such as are registered in that catalogue by their proper and known distinctive titles and styles, expressly stileth Timothy, Titus, Mark, Polycarp, and others, bishops of such and such places : and such on the other side as were but mere presbyters, *ecclesia Antiochena* or *Alexandrina presbyteri*, &c. observing the difference so constantly and exactly throughout the whole book, that nothing can be more clear, than

than that he understood the word *episcopus* no other-wise than in the ordinary ecclesiastical sense, and as a bishop is distinct from a presbyter. As for that passage you allege out of him, by *custom*, in the judgment of learned men, he must mean the *practice* of the *Apostolick times*; and by *Dominica dispositio*, the *express precept of Christ*: unless you will have himself contradict what himself hath written in sundry other places; whose testimonies in the behalf of episcopal superiority are so clear and frequent in his writings, that (although he of all the ancients be least suspected to favour that function overmuch, yet) the bishops would not refuse to make him arbitrator in the whole business. As for the catalogues, there will be more convenient place to speak of them afterwards.

Fifthly, your long discourse concerning the several stations and removes of Timothy and Titus (§ 13, 14.) and their being called away from Ephesus, and Crete (§ 15.) his majesty never hath time to examine, nor thinketh it much needful (in respect of what he hath said already) so to do. It is sufficient to make his majesty at least suspend his assent to your conjectures and inferences, first, that he findeth other learned men, from the like conjectures, to have made other inferences; as namely, that Timothy and Titus having accompanied Paul in many journeys, *postea & tandem* were by him constituted bishops of Ephesus and Crete. Secondly, that supposing they were, after the times of the several epistles written to them, sent by the apostles to other places, or did accompany them in some of their journeys, even for a long time together, it cannot be concluded thence, that they were not then bishops of those churches, or that the government of those churches was not committed to their peculiar charge: if it be supposed withal (which is but reasonable) that their absence was commanded by the apostle, and that they left their churches *cum animo revertendi*. Thirdly, that the places which you press again of 1 Tim. i. 3. and Titus i. 5. weigh so little to the purpose intended by you, even in your own judgments (for you say only, "they put fair to prove it") that you cannot expect they should weigh so much in his as to need any further answer;

answer; save only that his majesty knoweth not what great need or use there should be of leaving Timothy at Ephesus, or Titus in Crete, for ordaining presbyters and deacons, with such directions and admonitions to them for their care therein, if they were not sent thither as bishops. For either there were colleges of presbyters in those places before their coming thither, or there were not: if there were, and that such colleges had power to ordain presbyters and deacons without a bishop, then was there little need of sending Timothy and Titus so solemnly thither about the work; if there was none, then had Timothy and Titus power of sole ordination, which is a thing by you very much disliked. Those inconveniences his majesty thinketh it will be hard wholly to avoid upon your principles.

That discourse you conclude with this observation, "that in the very same epistle to Timothy, out of which he is endeavoured to be proved a bishop, there is clear evidence both for presbyters imposing hands in ordination, and for their ruling:" yet his majesty presumeth you cannot be ignorant, that the evidence is not so clear in either particular, but that in the former very many, of the Latin fathers especially, and sundry later writers, as Calvin and others, refer the word *πρεσβυτεριον* to the remoter substantive grace or gift, and not to that of imposition of hands; and so understand it as meant of the office of presbytery, or, as we were wont to call it in English, by derivation from that Greek word, of priesthood, in Timothy himself, and not of a college or company of presbyters collectively imposing hands on him; and that the Greek fathers, who take the word collectively, do yet understand by *πρεσβυτεριον* there a company of apostles and bishops who laid hands on Timothy in his ordination to the office of a bishop, (as was ordinarily done by three joining in that act in the primitive and succeeding times) and not of a college of mere presbyters: and that in the latter particular, to wit, that of ruling, the place whereon his majesty conceiveth your observation to be grounded, hath been by the adversaries of episcopal government generally and mainly insisted upon, as the only clear proof for the establishing of *ruling-lay-elders*,
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which interpretation his majesty knoweth not how far you will admit of.

8. *As to the angels of the churches.*] His majesty's purpose in naming these angels in his first paper, sufficiently declared in his second, required no more to be granted for the proving of what he intended, but these two things only: first, that they were *personæ singulares*; and then, that they had a superiority in their respective churches, as well over presbyters as others: which two being the *periphrasis* or definition of a bishop, his majesty conceiveth it would follow of itself, that they were bishops. That the epistles directed to them in their respective reproofs, precepts, threatnings, and other the contents thereof, did concern their fellow-presbyters also, and indeed the whole churches (which in your last you again remember) his majesty did then and doth still believe, finding it agreeable both to the tenor of the epistles themselves, and to the consentient judgment of interpreters: only his majesty said, and still doth, that that hindereth not but that the angels to whom the epistles were directed were *personæ singulares* still. This his majesty illustrated by a similitude, which though it do not hold in some other respects, and namely those you observe, (for his majesty never dreamed of a four footed similitude) yet it perfectly illustrates the thing it was then intended for, as is evident enough, so that there needeth no more to be said about it.

That which you insist upon to prove the contrary, from *Revel. xi. 24. But I say to you*, (*ὑμῖν* plurally) *and the rest in Thyatira*, is plainly of no force, if these copies in which the copulative conjunction is wanting be true; for then the reading would be this, *But I say to you the rest in Thyatira*. But following the ordinary copies, the difficulty is not great, such manner of apostrophes by changing the number, or turning the speech to another person, being very usual both in prophetick writings, such as this book of Revelation is, and in epistles of this nature written to one, but with reference to many others therein concerned. Beza expoundeth it, *ὑμῖν to you*, (that is, the angel as president, and his colleagues the other presbyters) *and to the rest*, that is, to the whole flock or people: which manner of speaking

ing might be illustrated by the like forms of speech to be used in a letter written to a corporation, wherein the mayor and aldermen especially, but yet the whole town generally, were concerned, but directed to the mayor alone; or from a lord, containing some orders for his own household especially, and generally for the whole township, but by the inscription directed to his steward only, or the like.

The consent of ancient and later writers was produced by his majesty for the proof of the two things before named only, but especially of the first, viz. That they angels were *persona singulares* (for the latter, viz. That they were superior to presbyters also, had been confessed by yourselves in your first grant before) but was not produced to prove the conclusion itself immediately, viz. That they were bishops in distinct sense, altho' fundry of their testimonies come up even to that also. But to the first point, That they were single persons, the concurrence is so general, that his majesty remembereth not to have heard of any one single interpreter, before Brightman, that ever expounded them otherwise: and yet the same man (as his majesty is informed) in his whole commentary upon the *Revelation* doth scarce, if at all, any where else, save in these seven epistles, expound the word angel collectively, but still of one single person or other, insomuch as he maketh one angel to be Gregory the great, another queen Elizabeth, another Cranmer, another Chemnitius, and the like. But generally both the fathers and protestant divines agree in this, that the angel was a single person: some affirming plainly, and that *in terminis*, he was the bishop; some naming the very persons of some of them, as of Polycarp bishop of Smyrna, and others; some calling him the chief pastor or superintendent of that church; and those that speak least, and were more or less disaffected to bishops, as Beza, doctor Reynolds, the Geneva notes, and even Cartwright himself, the *πρωτοπρεσβυτερος*, *president*, or chief among the presbyters. And this they do fundry of them, not crudely delivering their opinions only, and then no more, but they give reasons for it, and after examination of the several opinions, prefer this before the rest, affirming, that *doctissimi*

quique interpretes, all the best learned interpreters so understand it, and that they cannot understand it otherwise, *vim nisi facere textui velint*, unless they will offer violence to the text. That which his majesty said concerning the subdivision of those that had divided themselves from the common received judgment of the church, was meant by his majesty, as to the subdivision, in respect of this particular of the angels, wherein they differ one from another; as to the division, in respect of their dislike of bishops, wherein they all agree. And truly his majesty doth not yet see, how either their differences can be possibly reconciled in the former (no accommodation in the world being able to make all the people of the whole church, nor yet a college consisting of many presbyters, to be one single person;) or their recess wholly excused in the latter, their dissenting from the common and received judgment and practice of the christian church in the matter of episcopacy, and the evil consequents thereof, having, in his majesty's opinion, brought a greater reproach upon the protestant religion, and given more advantage (or colour at least) to the Romish party to asperse the reformed churches in such sort as we see they do, than their disagreement from the church of Rome in any one controverted point whatsoever besides hath done.

9. *As to the apostles successors.*] Here little is said, the substance whereof hath not been answered before. His majesty therefore briefly declares his meaning herein, That the apostles were to have no necessary successors in any thing that was extraordinary, either in their mission or unction; That his majesty spake not of succession into abilities, otherwise than by instance, mentioning other particulars withal, which thing, he thinketh needeth not to have been now the third time by you mentioned; That in the apostles mission or commission (for his majesty under the name of mission comprehended both) and consequently in the apostolical office, as there was something extraordinary, so there was something ordinary, wherein they were to have successors; that bishops are properly their successors in the whole apostolical office, so far as it was ordinary, and to have successors; that therefore the bishops office may,

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in regard of that succession, be said to be apostolical; that yet it doth not follow that they must needs be called apostles, taking the denomination from the office, inasmuch as the denomination of the apostles, peculiarly so called, was not given them from the office whereunto they were sent, but (as the word itself rather importeth) from the immediateness of their mission, being sent immediately by Christ himself; in respect whereof, for distinction sake, and in honour to their persons, it was thought fitter by those that succeeded, in common usage to abstain from that denomination, and to be stiled rather by the name of bishops; that if the apostles had no successors, the presbyters (who are their successors in part, mediately and subordinately to the bishops) will be very hard set to prove the warrant of their own office and mission; which if not derived from the apostles (who only received power of mission from Christ) by a continued line of succession, his majesty seeth not upon what other bottom it can stand.

10. *As to the standing officers of the church.*] You insisted upon two places of scripture, *Phil. i. 1.* and *1 Tim. iii.* to prove that there were to be no more standing officers in the church than the two in those places mentioned (*viz.*) presbyters (who are there called bishops) and deacons; whereunto his majesty's answer was, "that there might be other, though not mentioned in those places:" which answer, though it were alone sufficient, yet, *ex abundanti*, his majesty shewed withal, that supposing your interpretation of the word bishop in both the places (*viz.* to denote the office of presbyter only) there might yet be given some probable conjectures, which (likewise supposed true) might satisfy us, why that of bishop in the distinct sense should not be needful or proper to be named in those places. His majesty's former reason, though, in *Hypothesis*, and as applied to the church of Philippi it be but conjectural, yet upon the credit of all ecclesiastical histories and consideration of the condition of those times, as it is set forth in the scriptures also, it will appear, in *Thesis*, to be undoubtedly true (*viz.*) that the apostles themselves first planted churches; that they were perpetual governors, and, in chief, of all the churches whilst they

lived; that as the burden grew greater by the propagation of the gospel, they assumed others in *partem curæ*, committing to their charge the oversight of the churches in some principal cities, and the towns and villages adjacent, as James at Jerusalem, and others in other place, sooner or later, as they saw it expedient for the service of the church; that the persons so by them appointed to such peculiar charges did exercise the powers of ordination, and other government, under the apostles, and are therefore in the church-stories called bishops of those places in a distinct sense; that in some places, where the apostles were themselves more frequently conversant, they did for some while govern the churches immediately by themselves, before they set bishops there; and that after the apostles times, bishops only were the ordinary governors of the churches of Christ: and his majesty believeth it cannot be proved, either from clear evidence of scripture, or credible testimonies of antiquity, that ever any presbyter or presbytery exercised the power either of ordination at all without a bishop, or of that which they call ecclesiastical jurisdiction in ordinary, and by their own sole authority, or otherwise than as it was delegated unto them upon occasion, and for the time, by apostles or bishops.

For that place of *Phil. i. 1.* in particular, his majesty's purpose being, not to interpret the place, (a work fitter for divines) but to manifest the inconsequence of the argument whereby you would conclude but two standing officers only, because but two there named, he gave this as one probable conjecture why there might be no bishop in distinct sense there mentioned, because possibly the apostles had not as yet set any bishop over that church; which his majesty did not propose as the only, no, nor yet as the most probable conjecture, (for which cause he delivered it so cautiously, saying only, "it might be probable") but as that which for the present came first into his thoughts, and was sufficient for his purpose, without the least meaning thereby to prejudice other interpretations; as, namely, of those expositors who take the words (*with the bishops and deacons*) as belonging to the persons saluting, and not to the persons saluted, to this sense, *Paul and Timotheus, the servants*

vants of Jesus Christ, with the bishops and deacons, to the saints at Philippi, &c. or of those who affirm, and that with great probability too, that Epaphroditus was then actually bishop of Philippi, but not to be mentioned in the inscription of the epistle, because he was not then at Philippi, but with St. Paul at Rome when that epistle was written. Any of which conjectures if they be true, (as there is none of them utterly improbable) that place of *Phil. i. 1.* will not do you much service in this question. In the epistles to Timothy and Titus, the apostle directeth and admonisheth them as bishops, particularly concerning ordination of ministers, that they do it advisedly, and ordain none but such as are meetly qualified for the service of the church; which directions and admonitions his majesty believeth for the substance to belong to all bishops of after-times as well as unto them: but his majesty seeth no necessity why in those epistles there should be any particular directions given concerning the ordination of bishops, at least unless it could be made appear that they were to ordain some such in those places; nor perhaps if that could be made to appear, inasmuch as in those epistles there is not the least signification of any difference at all between presbyters and deacons in the manner of their ordination, both being to be performed by the bishop, and by imposition of hands, and so both comprehended under that general rule, *lay hands suddenly on no man*, but only, and that very little, and scarce considerable (as to the making of distinct offices) in the qualification of their persons.

The ordination therefore of bishops, presbyters, and deacons, being to be performed in the same manner, and the same qualifications after a sort, saving such differences as the importance of their several offices make, (which is more in the degree than in the things) being required in both, it had been sufficient if in those epistles there had been direction given concerning the ordination and qualification of but one sort of church-officers only, as in the epistle to Titus we see there are of presbyters only, and no mention made of deacons in the whole epistle: whence it may be as well concluded, that there was to be no other standing officer in

the church of Crete but presbyters only, because St Paul giveth no directions to Titus concerning any other, as it can be concluded, that there were to be no other officers in the church of Ephesus but presbyters and deacons only, because St Paul giveth no direction to Timothy concerning any other.

11. *As to the ages succeeding the apostles*, [reply, 23, 27.] Concerning the judgment of ecclesiastical writers about the divine right of episcopacy, his majesty conceiveth the difference to be more in their expressions than in their meaning, some calling it *divine*, others *apostolical*, and some, but not many, *ecclesiastical*. But that the superiority of bishops above presbyters began in that apostles times, and had its foundation in the institution either of Christ himself or of his apostles, his majesty hath not heard (Aerius excepted) that any till these latter ages have denied.

For that which you touch upon concerning the word infallible, his majesty supposeth you knew his meaning, and he delighteth not to contend about words.

As for the *catalogues*, some uncertainties in a few (a frailty which all human histories are subject to) his majesty taketh to be insufficient to discredit all. Differences there are in historiographers, in reciting the succession of the Babylonian, Persian, and Macedonian kings, and of the Saxon kings in England. And we find far more inextricable intricacies in the *fasti consularum*, the catalogues of the Roman consuls (notwithstanding their great care in keeping the public records, and the exactness of the Roman histories) than are to be found in episcopal catalogues, those especially of the chiefest cities, as Jerusalem, Rome, Antioch, Alexandria, Ephesus, &c. Yet as all men believe there were kings in those countries, and consuls in Rome in those times; so (as you might well foresee would be answered) the discrediting of the catalogues of bishops in respect of some uncertainties, (although his majesty doubteth not but many of the differences you instance in may be fairly reconciled) tendeth rather to the confirming of the thing itself.

That which you say, in answer hereunto, that the ecclesiastical writers called them bishops in compliance

to the language of their own times, after the names of presbyters and bishops were distinguished, but that they were not indeed bishops in the proper sense now in question; His majesty, who believeth the distinction of those names to have begun presently after the apostles times (if not rather whilst some of them were living) doth consequently believe, that as they were called, so they were indeed, bishops in that proper sense. It appeareth by Ignatius' epistles every where, how wide the difference was in his time between a bishop and a mere presbyter. If Hierome only, and some a little ancients than he, had applied the name bishop to persons that lived some ages before them, there might have been the more colour to have attributed it to such a compliance as you speak of; but that they received both the name and the truth of their relations from unquestionable testimonies and records, his majesty thinketh it may be made good by many instances. For example, to instance in one only, Polycarp bishop of Smyrna, who is thought to be the angel of that church in the Revelations; Ignatius, who was contemporary with him, wrote one epistle to him, and sends salutation to him in another, as bishop of Smyrna. Many years after, Irenæus bishop of Lyons in France (whose writings were never yet called in question by any) not only affirms him to have been constituted bishop of Smyrna by the apostles, but saith, "That he himself, when a boy, had seen him a very old man." Tertullian next, a very ancient writer, affirmeth that he was bishop of Smyrna, there placed by St John. After cometh Eusebius, who in his ecclesiastical history not only historically reporteth of his being bishop there, as he doth of other bishops, but citeth for it also the testimonies both of Ignatius and Irenæus, which, by the way, giveth good credit to Ignatius' epistles too. Then Hierome also, and others, lastly, attest the same. And it cannot be doubted but Eusebius and Hierome had in their times the like certain testimonies and grounds for sundry others, whom they report to have been bishops: which testimonies and records are not all come to our hands.

For the testimonies of Clemens and Ignatius, his majesty saith, first, that though it be not reasonable that

the testimony of one single epistle should be so made the adequate measure of Clemens his opinion, as to exclude all other proof from his example, or otherwise; yet his majesty, since Clemens was first named by you, and the weight of the main cause lieth not much upon it, is content also for that matter to refer himself to that epistle. Secondly, that his majesty could not but use some earnestness of expression in the cause of Ignatius against some who have rejected the whole volume of his epistles, but upon such arguments as have more lessened the reputation of their own learning, than the authority of those epistles, in the opinion of moderate and judicious men; And yet, Blondellus, a very learned man, though he rejects those epistles, confesseth notwithstanding the ancient fathers gave full credence thereunto.

“The apostles,” you say, “did not ordain themselves bishops of any particular places; and yet the bishops of some particular places are reported in the catalogues to have been successors to such or such of the apostles, and even the names of such apostles are entered into the catalogues.” To this his majesty saith, that the apostles were formerly bishops by virtue of their mission from Christ, as hath been already declared, but did neither ordain themselves, nor could be ordained of others, bishops of such or such particular cities; although his majesty knoweth not but that they might, without prejudice to their apostleship, and by mutual consent, make choice of their several quarters wherein to exercise that function, as well as St Peter and St Paul by consent went, the one to the circumcision, and the other to the Gentiles. But such apportionments did not intitle them properly to be called bishops of those places, unless any of them by such agreement did fixedly reside in some city; of which there is not in the history of the church any clear unquestionable example. If James the Lord's brother (who was certainly bishop of Jerusalem) were not one of the twelve apostles, as the more general opinion is that he was not: yet did the churches of succeeding times, for the greater honour of their sees, and the memory of so great benefactors, enter in the head of the lists or catalogues of their bishops the names of such of the apostles as had either
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first planted the faith, or placed bishops, or made any long abode and continuance, or ended their days among them; yet doth not the true title of being successors to the apostles thereby accrue to the bishops of those places more than to other bishops, but all bishops are equally successors to the apostles in two other respects; the one, for that they derive their ordination by a continued line of succession from the apostles; the other, for that they succeed into the same apostolical power and function which the apostles as ordinary pastors had.

Your motion, to reduce this whole dispute to scripture alone, were the more reasonable, if the matter in question were properly a point of faith; and yet even in points of faith (as the doctrine of the trinity, the canon of scripture, and sundry other) the uniform judgment of the church hath been ever held of very considerable regard. But being a matter of fact, as before was said, which the scriptures do not deliver entirely and perspicuously in any one place together, but obscurely and by parts, so that the understanding thereof dependeth merely upon conjectural interpretations and uncertain probabilities, nor assure any certain distinguishing characters whereby to discern what therein is extraordinary, what prudential, and what of necessary and perpetual obligation, there seemeth to his majesty to be a necessity of admitting the subsequent judgment and practice of the christian churches into the trial.

12. *As to the three questions proposed by his majesty.* [reply, 19, &c.] His majesty resteth very much unsatisfied, that you have now again wholly declined the answering of those three questions so clearly proposed by him, which yourselves also confess to be of great importance, upon this only pretence, "That the whole volume of ecclesiastical policy is contained in them:" whereas his majesty did neither expect nor require from you any large or polemical discourse concerning those questions; but yet did conceive you were (in order to his satisfaction in your own undertaking) in some sort obliged to have declared in few words what your judgment was therein, with the grounds thereof, that so his majesty might have taken the same into his further

consideration ; than which nothing could have more conduced to the informing of his judgment, and the satisfaction of his conscience : which his majesty also further conceives you might have done with the tenth part of that pains you have hitherto bestowed to other purpose, and therein have given full as much satisfaction to his desires as he expected, and in all likelihood better satisfaction to his judgment than he yet findeth, or can hope to find from you, so long as you hold off from declaring your opinions concerning those questions. For certainly, until one of these three things can be clearly evidenced unto his majesty, viz. either that there is no certain form of church-government at all prescribed in the word ; or if there be, that the civil power may change the same as they see cause ; or if it be unchangeable, that it was not episcopal, but some other ; his majesty thinks himself excusable in the judgment of all reasonable men, if he cannot as yet be induced to give his assent to the utter abolition of that government in the church which he found here settled to his hands, which hath continued all over the christian world from the times of the apostles until this last age, and in this realm ever since the first plantation of christianity, as well since the reformation as before, which hath been confirmed by so many acts of parliament, approved as consonant to the holy word of God in the articles of our religion, and by all the ministers of the church of England, as well by their personal subscriptions as otherwise, so attested and declared, and which himself in his judgment and conscience hath for so many years been, and yet is, persuaded to be, at least, of apostolical institution and practice. Truly, his majesty cannot but wonder what should be the reason of your great shyness and unwillingness to discover your minds in a matter of so great and necessary consequence : and for a final conclusion of this whole dispute (which his majesty thinketh fit to shut up with this paper) he must plainly tell you, that your endeavours to have given him satisfaction in the questions proposed would have added much, in his opinion, to the reputation of your ingenuity in the whole undertaking ; it being not probable you should work much upon his judgment, whilst you
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are fearful to declare your own: nor possible to relieve his conscience, but by a free discharge of yours.

Nevertheless, his majesty liketh well of your prayer in the close of your paper, and thinketh you should do very well to join therewith your utmost possible endeavours towards the settling of truth and a happy peace in this unsettled church and kingdom.

The TREATY at OXFORD.

His Majesty's declaration to all his loving subjects, in answer to a declaration of the lords and commons upon the proceedings of the late treaty of peace, and several intercepted letters of his Majesty to the Queen, and of prince Rupert to the earl of Northampton. Oxford, June 3d, 1643.

THOUGH his majesty be assured, it cannot but be of great advantage to him to have such an occasion as is now given him, by the late declaration of both houses, to shew to all his good people who it is that is really in fault, that the last treaty, so much desired by his majesty, and only begun upon his desire, broke off so abruptly, (as he doubts not to do, if those who govern in the remaining part of both houses have but so much ingenuity left, as to suffer what he says to be equally freely published to his people;) yet his majesty cannot without great grief of soul see that treaty, which he hoped and expected should have begot the settled peace and happiness of his subjects, instead thereof beget nothing but disputes and declarations: yet it will be some cordial to him, when he shall be forced to see the desolation of this kingdom and the misery of his people, that not only it is not he that hath made that desolate and them miserable, but that he is able to demonstrate to all the world, that he hath used his utmost and most earnest endeavours to prevent it, as will appear at large by the following state of the case.

After that the conspiracy of some persons against the present established government both ecclesiastical and
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civil had made means to infuse into part of the people (by publishing unheard-of declarations, obtained and passed in a new and unheard-of manner, sometimes but by eleven voices after seventeen hours sitting, and that but in one house) strange fears and jealousies of the other house and of his majesty, and by them given the rise to those insufferable tumults and seditious unparliamentary petitions, at once to and against the lords, which they afterwards avowed publicly to protect and encourage, and forced the lords house, by fearing them, to seem to fear with them, and to join with them first in requiring, and next in forcing no less security for those fears from his majesty (who was then in condition to have most real cause of fear himself) than almost all that power which the law had trusted to him for the security of the crown and the protection of his people: after that his majesty and most of the members were forced away from the parliament, and that his share in making new laws, was denied to him in any case in which they would pretend necessity, and every subject that would not submit to any new, extravagant, extemporary, legislative declaration or order of one or both houses, against the ancient known law of the land, was become sent for up, and imprisoned as a delinquent, and whosoever would assist them against the known law, was not only protected by them in that, but in any other case (although they were of them who had been most apparently active in those former pressures upon the people, which they now afresh impute to his majesty) so that to be of their side was now become a known sanctuary; after that nothing was left undone or unsaid that might render his majesty both weak and odious, and that all that he could say or do to clear himself was either suppressed, or interpreted in a contrary and impossible sense, so that his very offer to venture his royal person against the Irish rebels was voted to be an encouragement to that rebellion, after that from declaring of law they came to declaring of thoughts, and forgetting that the hearts of kings are inscrutable, presumed to dive into his, and without appearance, and contrary to truth, had declared that he meant to make war upon his parliament, and made that declaration

a ground to levy a real war against him, and then made that war a ground to begin to make war upon his people, forcing away the arms and money of all such as they pleased to suspect of the crimes of allegiance and loyalty; after that they had so far expressed and discovered the true end of all these actions, as to propose the total change of the present government, both ecclesiastical and civil, in the nineteen propositions, as the only way to peace; and that his majesty might by all this have been sufficiently persuaded, that it was impossible for him to obtain peace from them but either by submission or by the sword: yet after all this his majesty was so averse to the latter course, as to descend to so great a degree of the former, as from Nottingham to propose to and desire from them a treaty for peace; and being there twice openly and absolutely refused it, yet did then declare, that he would notwithstanding be ready to receive it whensoever they would propose it. And to shew that these offers proceeded not from his condition but from his inclination, after his victory at Edgehill, and after that the earl of Essex had so far forgot his errand, as to return to London alone, instead of bringing up his majesty, and those his good subjects whom they called delinquents: his answer at Colebrook will shew to all the world, that he was still of the same mind as when he sent his messages from Nottingham, and his message so carefully sent from Colebrook to prevent all misconstruction of that march of his which they had necessitated to Braineeford, and his pressing still that a treaty might go on, in that and several other messages, all slighted and neglected, shewed sufficiently who really was desirous of, and who were averse to peace. But when the petition of so many citizens, that a treaty might be accepted, finding so little countenance or acceptance from the house of commons, and the injuries and imprisonments which the petitioners suffered for it from alderman Pennington and others, finding so much countenance from them, did so far begin to open the eyes of the people, that the aversion to peace began to be imputed to them who were truly guilty, and that they found this discovery made men generally unwilling to part with their
money

money to make themselves miserable, and that again encouraged many of the members to appear for peace too, and that consequently their too open and avowed desire of war would but render them unable to continue it; they thought it necessary to make some propositions which might deceive the people so far as to make them believe they desired peace, and yet resolved to make them so unreasonable, as they might notwithstanding be sure to be out of all danger of effecting peace by them; and sent those down to his majesty. Which tho' they pretend now to be such as no indifferent man will find any thing contained in them but what was necessary for the maintenance and advancement of the true protestant religion, the due execution of justice, the preservation of the liberty and property of the subject, and the establishment of the kingdom's peace and safety; yet his majesty is confident that even those who are not very indifferent, are yet able to see, that no propositions could be more unreasonable than those fourteen, except the former nineteen.

To pass by the preamble (in which most unnecessarily they lay most heavy and most unjust charges upon his majesty, and yet draw an argument of his aversion to peace from those known truths which either his defence or the matter in question, crimes being impossible to be spoken of but as crimes; did after extort from him) would not any man have expected, that had observed with what violence this war was begun and prosecuted against his majesty, to have found in the propositions for peace the demand of at least some, and those very important, rights, which were withheld from them before the war, and so had given some colour for it? But of these there appears not so much as one: and yet till all these are granted and performed, they do as much as say in terms plain enough in their conclusion, that they have not any hope, nor will use any endeavours, that his majesty and his people may enjoy the blessings of peace and justice; which was certainly by terror of arms to demand new laws, and as great a proof that they did so, as they seem to confess it unparliamentary if they had done it.—Is not the taking away of the bishops, deans and chapters, and indeed the whole

whole established ecclesiastical frame of order and government, a new law? yet unless his majesty will yield to take it away (though there were but five lords present when the bill passed, and though no other form be yet offered or shewed to him, but the presbyterians and independents are left to fight it out among themselves what shall succeed in the place) his majesty is told, he must not hope for peace. And the division likely to ensue between different parties, what shall after be introduced, shews sufficiently what hope there should be of peace, if he should pass it.

Are not the bill against scandalous ministers (in which most of their own faction are appointed commissioners, that they may make way for, and introduce, a new clergy of their own;) the bill against pluralities (which makes no difference of conditions, or merits of persons, or of value of livings, and looks not only forwards, but extends to the immediate dispossessing of present incumbents of what is vested in them for their lives by the law of the land;) the bill for the consultation of divines (persons of their own choice, and most of them of their faction, and of no esteem but with themselves, hardly at all bounded as to the matter, and absolutely unlimited as to the time of their consultation) all new laws? Is not the settling of the militia both by sea and land, and the forts and ports, in such a manner as shall be agreed on by both houses (in which his majesty is expected with a blind implicit faith to trust them with the whole power of the kingdom, and with his only means of defending himself and protecting his subjects, though into what hands, or for what time, or in what manner they will order or dispose of it is so far from appearing to him, that it doth not yet appear that both houses know themselves, and how they have already used that power is known to all the world) both a new and a strange demand? Are the earl of Bristol's removal and exclusion from all possibility of employment (a person uncondemned, unimpeached, and unsu-moned, no crime or error either proved or but named against him) or the choice of the judges and master of the rolls, the change of commissioners of the peace and oyer and terminer, or the restoring of members
of

of the houses, even to such menial places of service as required a personal attendance, and who had yet refused to attend upon command, or the assenting to whatsoever acts he shall be advised for paying of debts contracted upon the public faith, that is, by the authority of both houses (by which his majesty must allow himself to be no part of the public, and must directly allow, and, as it were, ratify that rebellion which this money was raised to foment) either due to them by law, or reasonable in themselves? Doth the directing his majesty with whom and how far to make alliances belong to them? (or was that at all necessary, his inclination to the strictest bands with princes and states of the protestant religion being by the match of his daughter sufficiently expressed?) And yet, till all this be done, and unless he will pardon all that have borne arms against him, and leave those that have assisted him to their mercy who have none, they will not promise any hopeful endeavours for peace and justice.

But is there any thing else that is due by law, which was before denied, and is here demanded, that can in any degree justify or extenuate that ever peace was broken and justice destroyed? not so much as one tittle. Did his majesty give any commission till they had mustered many men? or did he so much as take any guard to him, till both they had a much greater many months, and had of their own authority ordered a serjeant-major-general of their city forces, and till his magazine and town were by arms kept against him, though he were provoked to it before by all the other indignities and injuries which insolence and injustice could devise? was not sir John Hotham, for all his known treason, refused to be left by them to justice and the trial of the law, before ever any that was but called a delinquent was protected by his majesty? and was not his majesty then denied that which themselves confess to be the due and right of the meanest subject, and do so far expect as to look upon it rather as a scorn than a satisfaction, now his majesty offers it to them? was any one papist armed by his majesty before many of that religion (and multitudes of persons against whose recusancy the law is as severe as against theirs) were armed against him,

or

or then either, until their mere being of that religion made them without colour of law be plundered and imprisoned in all parts, and some of them fly into his army for protection? Did not his majesty, before, of himself often offer to vindicate the privileges of parliament from any imaginable breach of them in the business of the lord Kimbolton and five members? and did he not offer to wave their charge, willingly submitting it to the publick peace? so that the obtaining that demand, or the disbanding of the army, or the disarming of papists, or the trial of delinquents, though they make some such shew as they are set in this place, yet not any of them were any grounds of this their war: and all that is due in these demands having been offered before the war, or occasioned or necessitated by it, and being still to be had without it, the whole people cannot but see, that nothing but fears and jealousies have been the fumes with which they have so intoxicated his seduced subjects, as to contribute to their own misery, to obtain no one right, how small and inconsiderable soever, denied to them by his majesty; and that the maintenance and advancement of religion, justice, liberty, property, and peace, are really but their stalking-horses, and neither the ground of their war nor of these demands; which will appear to any indifferent man that shall duly weigh them, as far from being moderate as from being necessary.

Yet such was his majesty's most earnest desire to catch at any thing that by producing a treaty might settle a peace, and so far were any such enemies of it (as are supposed by this declaration) from being prevalent with him against this desire, that his majesty proposed that persons should be appointed by his majesty and both houses to treat even upon these very propositions, and such other as his majesty proposed, which were only demands according to or in behalf of the law established, and which more concerned his subjects than himself. And his majesty cannot but appeal to all the world, whether not only any of their propositions did, but whether any other propositions that could be devised could express more desire of the maintenance and advancement of the true protestant religion than his majesty's

jeſty's fourth propoſition, (in which his readineſs to conſent to the execution of all laws made, and to any good laws to be made, for the ſuppreſſing of popery ; his deſire that the laws already made to preſerve the common-prayer from the ſcorn and violence of ſectaries be backed and fortified, and his offer at the ſame time that tender conſciences be eaſed by it, are ſo clearly and carefully expreſſed and united ;) or of the due execution of juſtice, than his majeſty's fifth propoſition, (which refers all ſuch delinquents as ſhould by the treaters be excepted in the pardon, to the uſual courſe and known law of the land ;) or of the preſervation of the publick liberty and property, (for his majeſty conceives that he hath a property too, without maintaining of which he will be never able to defend his ſubjects) than his firſt, ſecond, and third ; or of the peace of the kingdom, than his ſixth propoſition, which by reſtoring his ſubjects by a ceſſation to a ſhort trial of the quiet and benefit of peace, would have rendered them ſo far in love with that almoſt-forgotten happineſs, that ſeeing nothing demanded by them that was worth a war, they would have had a hard work to have engaged them again into ſo unprofitable a madneſs. And his majeſty is ſo confident of his advantage in all theſe, that he conjures his ſubjects ſeriouſly to read, conſider, and compare what he and what they demanded, and by their indifferent propoſitions to judge of their ſeveral intentions.

And indeed, the violent party both in the city and the houſes (which, for all the publick fears and jealousies they pretend, inwardly and really are fearful and jealous of nothing ſo much as of peace) diſlike nothing more in his majeſty's propoſitions than the moderation ; and ſuſpecting that the reaſonableneſs and unreaſonableneſs of what his majeſty and what they aſked would but too generally appear by the diſcuſſion of both in a free and open treaty, and ſo might in deſpite of them produce a peace, earneſtly and openly oppoſe the treaty, and ſo far oppoſe his majeſty's propoſition of ceſſation, that it ſufficiently appeared by their averſion to the ſhadow of peace (as themſelves call it) how much and how heartily they were averſe to the ſubſtance itſelf.

But

But when they found that they could persuade no man to join with them in rejecting all imaginable manners of treaty and cessation, that did not join with them in abhorring any imaginable manner of peace, they reserved their authority to enable them to break off both, upon somewhat more plausible difference in the circumstances and conditions. A safe conduct is demanded by the houses, and their first art is to get the lord Say named in that demand for a treater, which they knew certainly (he having borne arms against his majesty, and been excepted in one of his proclamations of pardon) his majesty must except against : but when they could not persuade even both houses (who well remembered an example of no elder date than since his majesty was at Colebrook, when the same exception at the person of sir John Evelyn was made by his majesty, and not excepted at by both houses) that this exception was so unparalleled a breach of privilege, as to deserve to hinder the treaty from going on, their next arts are so to bound and limit their committee, both in the matter, manner, time, and power, as might wholly render it ineffectual : and to that end they first obtain that their committee should treat with none but with his majesty, (a course which how lofty, how advantageous, and how unreasonable soever, yet his majesty, out of his earnest desire of peace, contrary to their hopes and expectations, was contented to admit;) and next obtain that they should not treat upon any point but of the cessation, till that were concluded, and for that allowed but four days and that at twice, (in hope that some matter of advantage might happen in the time of that delay) and allow them no power (without still sending to the houses upon every occasion) to conclude farther than the papers they brought down or delivered, or so much as to explain or new-word any thing in them, (a new and a strange way of treating, and by which at that distance it was wholly and plainly impossible that any thing should be concluded :) and when his majesty had quitted all wherein himself or his army were solely concerned, and yielded almost to all that they proposed, and at last insisted upon nothing but that they might not make use of the leisure of their army, occasioned by this cessation,

to force what sums they would from what countries they pleased, (for they neither would nor could name any other bound of their taxes than their pleasure, when they imputed that assertion to his majesty) and so extremely burden his subjects, and advantage and enable themselves against his majesty, (in contradiction to the principle laid down by themselves, and approved of by his majesty, that by the very nature of a cessation, matters should be preserved in the state they are in, and neither party have liberty much to advantage himself;) nor yet insisted any further upon that neither, than to leave room still for satisfaction (if any reason could be offered against so reasonable a limitation) by a continuance of the treaty concerning it; they vouchsafed him no offer of any such reason, nor allowed their committee any farther time or power to treat concerning it, without expressing any better cause for so abrupt an end of so important a debate, then to avoid the waste of time: though his majesty could not conceive that could be called a waste, or how time could be better spent, than to settle such a degree of publick peace, as might reduce the minds of all men to such a temper as might make a full peace much more probable.

Nor did his majesty find in the treaty itself that the committee were any better enabled, (though to avoid delay, and that a conclusion might be made possible) his majesty often desired it. They were limited twice to four days, and once to seven: they were bounded to two propositions, and to their bare narrow instructions concerning those: nor had they so much as any power or instructions at all concerning that most important part of their own proposition, so often pressed by themselves, his majesty's return to his parliament. So that resolving (as it will be afterward shewed they did) to yield no farther to his majesty's proposition than with such limitations as would, in effect, retain what they seemed to give up, they expect that his majesty should entirely yield to theirs without any limitation, and (to invert their own words upon another occasion) should yield to that which would have produced to them an absolute victory and submission, under pretence of agreement and peace: it being evident to all men, that

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his rights forced from him by violence being not absolutely restored, his army being disbanded, and he returned to London, the members of both houses for dissenting from them and assisting him remained expelled, no security from tumults for the rest of the members being given, and all good subjects being totally discouraged by so absolute a prevalence of the factious and rebellious, his majesty were as much in the disposal of the five members as if they had him in the tower, and he owed his crown wholly to their grace and favour if they did not depose him. And yet they would be thought to desire nothing, in desiring that the armies should be upon these terms disbanded, but only that the kingdom might be eased of their burden, and the spring of these calamities might be stopped. His majesty demands, that his own revenue, magazine, towns, forts and ships, taken by force, be restored to him. The revenue (which they could easily pay back out of other mens purses) they easily agree about; but to part with such strengths which had and did help to enable them to leave no subject any more of his right than they had to the detaining of these, they can by no means endure. And therefore they propose such limitations as in effect limit away all, and yet may seem to the vulgar or to the careless not to signify much: to wit, that these strengths may be put into such hands as they will confide in, and that no less than three years; that the commanders may, during that time, not admit of any forces upon whatsoever occasion without consent of the houses, and they, and all generals and commanders of the armies on either side, may swear to preserve the peace of the kingdom against all forces raised without the consent of both houses, and this for no limited time. His majesty, who had asked nothing but what was his by law, and who in order to peace had not asked so much as by law was due to him, (to wit, the punishment of those who had taken these things from him) could not wonder to see such things asked of him to which by law there was no pretence: he therefore endeavours to limit their limitations to the law of the land; he names those persons to this custody whom the law had named first, and expressed himself most willing that they should be put out

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at the same door they came in at; that the law which had vested them, might eject them, if they had offended against it: but expected not that the injury done him, of taking these things from him and them contrary to law, should be a reason why any new conditions or limitations should be laid upon him or his ministers, which the law laid not. To this the committee replies, not denying what the king asked to be legally his, or to have been illegally taken from him, nor making any legal, or so much as colourable, or at all any, exceptions, against the persons legally vested in those places, (and without any cause shewed, it would have ill become his majesty to have divested his servants of their rights in the instant when some of them are venturing their lives for his service) but retire to their old inaccessible fort of fears and jealousies. To this his majesty rejoins, shews what he had done to prevent and destroy fears and jealousies in them, intimates what they had done to create fears and jealousies in him; that having by force taken these things from him when he had them, he had more reason to have insisted upon further security to enable him to keep them, than simply to desire them to be returned to him, (and much more than to grant them more hold of them, to enable them the better to wrest them from him again :) represents to them, that by the same reason, upon the same ground, they may ask him all his legal power, since all the power vested in princes for the necessary protection of their subjects may possibly be employed for their hurt: and concludes, in his opinion, with a very wholesome advice against that dangerous (and now too epidemical) disease of fears and jealousies, and prescribes to them to make the law their rule and measure, as the best antidote and cure for that disease.

This insisting upon this answer, as his majesty for these reasons thought to be most reasonable, so he likewise thought it most necessary; first, because themselves having told him in the debate about cessation in the point of ships, that for them to allow him the approbation of commanders, was to give him up the strength, he could not want logick so much as not to draw this conclusion from these premises, that for him

out to allow them the approbation of the commanders, both of magazines, towns, forts, and ships, was in that to give all back to them which they would seem to restore to him. Secondly, because his majesty by now consenting upon the ground of jealousies to such demands as exceed those which (before they had joined the injustice of forcing these things from him to the unreasonableness of demanding them) his majesty in his weakest condition denied to them, he must appear to justify those jealousies, to approve of those demands and of that injustice, and to condemn himself as guilty of the woful effects of that contention, for not having sooner consented to them. Thirdly, because he must condemn the lords house of the same crime, for having twice refused to join in that demand, and having had no jealousies as long, as they had no tumults. Fourthly, because he must either quit, during the lives of these several persons required to be sworn, and at least for three years (when the militia in their own bill was asked but for two) his known right of sole raising men, and without the consent of both houses (even although no parliament were sitting, for the bill that says it may continue, does not say it must) he must neither be able to discharge his duty to himself by his own defence, nor make good his oath, by the protecting of his subjects against any sudden, dangerous rebellion or invasion; or the commanders of all his ships, towns, forts and magazines, and all the commanders of both armies (that is, the most considerable militia of England, must according to this new oath oppose any opposition he shall make, and must be equally obliged by it to fight against his forces, as against those of the rebels or invaders. Fifthly, because if he should give them so great a prerogative, for so long a time, as this share in the choice of men to places of so high power and trust, the dependence of subjects upon the crown would be much diverted, and he could never expect to be faithfully served, when no other crime of theirs appearing to him, he should so far divest the present proprietaries of their legal right, as to submit it anew to the arbitrariness of their confiding, who have given his majesty no greater cause to confide in their choice. Sixthly and lastly, because

because if he should allow them that power for that time upon that reason, he cannot doubt but against that time were ended, the sweetness of power being once tasted, they would be so unwilling to quit it, that the same powerful violent party would not want the like fears to beget the like demands of the same or greater equirest, in the choice of the same or greater places; and the same consequences would not likewise fail to follow, if those demands were not consented to, and even his good subjects seeing it the most prosperous, might be induced to think faction and sedition the wisest course; and when they saw his majesty give such an encouragement to rebellion, might think it pity he should ever be without one. And his majesty conceives, fear and jealousy may be a good reason to make him cautious how he parts with his right, though a very insufficient justification of their forcing that from him, to which they could pretend none.

But still his majesty hoped that they only insisted upon such limitations of his proposition, till they saw what limitations he would offer to theirs; and therefore to reduce them to moderation by his example, he proposes to the houses (for the committee had no power or instruction to treat of the principal point of it) no other limitations than were both due by law and necessary in themselves, and offers as soon as he was satisfied in his first proposition, (to which if they would have put him in mind of any such objection in the treaty, he would never have required that the exact computation of his revenue taken from him should be agreed on before disbanding, which is now objected to him, not as an injustice, but as a purposed delay) as soon as the houses were restored to that condition in which they were before the tumults and these distractions forced the members from thence, and as soon as he and those houses were secured from tumults (only adding his own opinion, that adjourning twenty miles from London could only effect it, and offering them the choice of any place at that distance in his whole kingdom) he would immediately disband; and return to his parliament; and expected much more that this message, when it was received at London, should have met with bells and bon-fires, then

than have received neither approbation nor answer. But that violent party which looks upon peace like a monster, fearing lest if the treaty should any longer continue, so fair an approach to peace might by degrees steal it on upon them before they were aware, prevail to return no other answer, than immediately to send for their committee from Oxford, and to send the lord of Essex to Reading. His majesty waits a while, and again in a message he had occasion to send to the houses concerning Ireland, he takes occasion to put them in mind of that former message, and to renew the expressions of his desire of peace: but this message had no better luck than the other; for no answer hath been sent to it, only instead of an answer, the same violent party makes a shift to go a step or two hither, and to prevail in the house of commons to vote excises upon commodities, and the making of a new great seal, though the making of it will be treason by the statute of the five and twentieth of Edward the third (and an order of the house of commons will be but an insufficient plea against that statute) and though they might have remembered, that it is by the old one that both most of them hold their lands, and all of them are called to that house. But since his majesty would not allow them a share in making of peers (as they asked him in their nineteen propositions) nor allow of their choice of justices of the peace (as they asked him in their fourteen) and did still pretend to making of sheriffs (which they have denied him by their votes) it seems they thought it necessary to make that which (if it could be made legal by voting) would make all those, and to end the dispute about his majesty's negative voice, by passing by commission what new bills they pleased, and so to obtain as absolutely an unlimited power over their fellow subjects as over their sovereign himself.

Yet his majesty would take no notice of all this, but sends once more, a third message, to desire an answer to his first (which had then lain in their hands above a month.) This pressing for peace appears so intolerable to them, that the house of commons (as the best way to make a final end to all such messages, and indeed to cut off all intercourse) is prevailed with by these men to

commit the messenger, and the next day to impeach his majesty's royal consort of high treason, as if they would give him a fair warning how he trouble them about peace again, lest his turn be next, and they impeach him too. But though they vouchsafe his majesty no answer, yet the people is still thought worthy of some satisfaction: and that produces this declaration, which pretends fully and sufficiently to shew, that in the treaty their demands were such and so moderate, as was fit and necessary for them to make, and just and reasonable for his majesty to assent unto: and his majesty's were such as had neither reason nor justice either in the matter or manner of them, and such as left the people no hope or expectation to see an end of their present calamities; and charge the king through his counsellors in many circumstances, before it and during it, to have laboured to interrupt the treaty, and to have appeared averse to peace: and in this question his majesty is content to accept of the arbitrator they themselves have chosen, and to refer it to the people to judge. Their first argument is, that this treaty is for the disbanding of the armies and forces in opposition to each other; that these towns, forts, and ships are a great part of their forces, so that for them to restore them absolutely to the king, would be for them to disband totally, and for his majesty's forces to continue. To this his majesty answers, that this treaty was intended by him to be in order to a firm and settled (that is, a just) peace, and never to be such wherein a pretended equality should exclude evident justice. Let equality determine the manner of the disbanding of the armies raised upon these distractions, but let justice restore what violence hath taken, and determine of known undoubted rights: since by this argument, if any prince seize upon any strength that belongs to his stronger neighbour, and arms be taken up upon it, the stronger must never in a treaty, when the arms are to be disbanded, expect to have his strength restored to him, lest the other return to be what he was and what he ought to be, that is, the weaker of the two. Secondly, his majesty answers, that by the same reason of security, other power and prerogatives being strength as well as forces, and neither more
vested

vested in him, nor less possible to be used for the people's hurt, they may as well require a share and interest in those too, and, that things may be made sufficiently equal between the sides, may expect to be as much kings as he. Thirdly, in their own opinion, and by their own confession (as it appears by their argument used in the cessation in the point of ships) if they be but allowed the approbation of commanders, his majesty gives up this strength to them, and not they to him, and it will be their forces and not his, which are to continue undissbanded, and that that they say to be contrary to equality, and (as they came by these forces) it is evident to be contrary to justice. Fourthly, his majesty answers, that these forces are not so great, or so great a strength of the side that shall possess them, but that the arts, union, industry, and violence of that party was so much too strong for his majesty when he had that strength, as to take that strength from him; and therefore his majesty wonders they should make any difficulty to restore what it may appear by so fresh experience that they are so able to resume: and therefore his majesty hopes his people will attribute it to his great desire of peace, that he did not demand some farther security to enjoy that which is not denied to be his majesty's. And his majesty observes that both this and the second answer were given by his majesty to the same arguments made upon the same occasion by their committee in the treaty, and yet this declaration repeats the same arguments without replying to those answers.

Fifthly, his majesty desires that the difficulty with which his majesty raised his army, and the ease with which they raised theirs, may be considered; how impossible it would have been for him to have raised forces, if they had not raised first, and how much slower (this army being dissbanded) he could raise a new one, and how quick and ready their body of fierce, eager sectaries and schismatics would be to return into an army upon the least call, and how conveniently they inhabit for so speedy a meeting, being to continue most of them in or so near London, that their quarters in war were usually much more distant than their dwellings in peace: and then his majesty doubts not

but it will appear, that in this respect too the real and total disbanding is of his majesty's part only, and that in effect the continuance of forces is still of theirs. Their second argument, why his majesty should admit of their limitations, is a bundle of precedents. To which his majesty replies, first, that the records which are here quoted for these are now in the same hands as his majesty's magazines, towns, forts, and ships, and therefore knows not how he can either have their truth sufficiently considered and examined, or without it confide in their quotations. Secondly, all the particular circumstances both of matter and time, what induced it, and what followed it, do not herein appear (though very necessary to be known, that they may be possible to be answered.) But this his majesty can find upon view, that some of them concern not any part of what is now demanded, but one of them concerns a chancellor, treasurer, and privy-seal, and another concerns privy counsellors, and another the protectorship, another the choice of some without whose advice, or of four of them, nothing should be done by the king, (which it seems they have an eye upon demanding too, which made them run so much in their heads who collected these as to put them in here :) that some concern not the persons now demanding, but conclude only for the merchants to choose an admiral, and not for the houses to confide in him; which precedent may be of some use to the common-council, but of none to the parliament: that some are of no concern at all, as only about appointing of clerks for payment of wages (yet put in to increase the bulk;) that hardly any of the precedents that concern any of the things in question, concern any more than part of those which are altogether demanded in the limitations desired; some concerning only the command of ships (and those too not granted by act, but by commission, and that, for ought appears, only during pleasure;) some extending but to one town or place, as Berwick or Jersey: That most of these precedents appear to have been when the kings were in minority and under protectors, some when they were in extreme age and impotency, some in the reign of a king who was shortly after deposed, in parliament too, (an unlikely circumstance

stance to invite his majesty at the time to follow that example) others in his reign who succeeded him, and (having no right to the crown but the criminal consent of both houses) had reason to deny them nothing who had given him all. And of some of the precedents now quoted the inconveniencies are known to have been so great and so suddenly found, that they were so speedily revoked in parliament (with no less a brand than contrary to the customs of the realm, and to the blemishing of the crown) that if they had ingenuously added those circumstances, these precedents would more have justified his majesty for not yielding, than them for either asking any thing towards those, or but for quoting them at all. But doth any of these precedents tell us that these parliaments claimed any right in any of these, or that any king yielded any degree of honour in any one of these points to both houses, when they had first taken them from him by force, and raised an army by ordinance against him, and he was in a condition to resist what they had raised? and if either any of these kings were so much in their power, that his consent was as much from him as these particulars were forced from his majesty, or if they were so far out of danger of any farther encroachments upon their power, that he could have no cause of fears and jealousies in granting some of these to them; nay that their advice in the choice arose wholly from his majesty's desire, and not their demand, then the precedents fit not to this case, and so make nothing for their purpose. But now that the perpetuity of this parliament hath so far encouraged those who by arts and violence have gotten power over it, that they may probably hope to make this power as perpetual, as it, and have given so sufficient evidence what farther use they would make of any power, his majesty supposes himself to have more reason to be cautious in that point than any of his predecessors, who were content to share any part of this power but for once, with but a temporary assembly; especially since their several propositions have shewed how much more they wish, and Mr Prinne's books (printed by order of a committee of the house of commons, signified by warrant under Mr White's hand) have shewed how much more they

pretend to ; and since any grant of his is desired by these men but to enable them to obtain the rest of their pretences or desires ; what he yielded to them concerning my lord of Essex and sir John Conyers being lieutenants of Yorkshire and the Tower, being prest in these very precedents as an argument to him why he should grant all they ask now. On the other side, if his majesty should make use of their own kind of weapon, and do the same or as great things, or make them the like or as great demands, as their predecessors have tacitly approved of, or directly assented to, when they were done or made by his, (as in the just famous time of Queen Elizabeth, in the case of Stanhope and Savile, or in the same time in Wentworth's case, or in the reign of Henry VIII. in the power given to him to dispose of the kingdom by his will and testament, and others of the like and near as high kinds) he believes both houses would think what others then did, to be no argument to persuade them either to approve or consent, but would rather for ever wave all arguments from precedents, than direct themselves by the same rule.

Their third argument is, that his majesty had formerly expressed that his forts and castles should be only in such hands as both houses might safely confide in. And his majesty expresseth still as much ; and till some just legal cause be shewed him why the persons now in those commands cannot be safely confided in by them, he conceives they might safely confide in them if they pleased. But his majesty did likewise once say, he would put all those places, both of the forts and militia, into such hands as both houses should approve or recommend, unless such were named against whom he had just and unquestionable exceptions. To which his majesty replies, that his offer not giving them satisfaction then, (for they would then limit no time for the militia, which was the condition of that offer of his majesty's) and since it seems it would give none yet, (for they now ask no less for the ships than for those, and more for both, as to the time and other circumstances, than he then offered for these) and they, by forcing those places from him since, and some of the persons legally vested in those places, by their faithfulness to him in this war, having

ing given him so much more cause not to yield to it now, he conceives the case to be so altered by all these differences, that though, out of his earnest desire to satisfy them, as long as he thought them capable of satisfaction by it, he then intended what he spoke, yet he may insist upon what he now insists, without being said to have receded from his word. Did not they refuse to accept of four persons named in his majesty's bill concerning the militia, which themselves had but newly offered him in their ordinance concerning it? and had those persons in that time given them so great cause for that refusal as his majesty hath had given him for this? and yet will they confess that ill council prevailed with them to recede from their words, and that therefore his majesty had the more cause to be farther secured? Their fourth argument is, that unless these limitations be granted, those secret and wicked counsellors, that have been instruments of the present miseries, will have the disposing of those places, and his majesty carry but the name. To this his majesty replies, that knowing who have been the instruments of these miseries, he should by that believe the secret and wicked counsellors spoken of to be the active part of the close committee; for if he have any wicked counsellors about him, he confesseth they have cause to call them secret as well as wicked, since they have not only wholly concealed themselves from him, but he having often pressed to have some named, could never obtain from them the name so much as of one, nor since hath heard so much as one proof or charge either of being wicked counsellors, or of any legal crime against one of his servants whom they have named, though they have published them withal to be incapable of pardon: however he finds, that if what they say were true, the ends of these counsellors and of their violent party is but just the same, that is, to dispose of these places, and that his majesty may only carry the name. But they have found a letter of his majesty's to the Queen, which shews that the great and eminent places of the kingdom are disposed of by her advice, (and then conclude from her religion, that they are by consequence disposed of by the advice of papists and jesuits) and that the persons there named,

even during the sitting of parliament, are either all impeached by them, or bear arms against them. To this his majesty replies, first, that he cannot but deplore the condition of the kingdom, when letters of all sorts of husbands to wives, even of his majesty to his royal consort, are intercepted, read, brought in evidence, and published to the world. Secondly, that if they will remember how far many of those persons of both sexes, who have received most notable marks of favour from her majesty, are, even in their own opinion, from so much as inclining to popery, they must confess her favours and recommendations not to be disposed of by priests and jesuits. Thirdly, that the places there named, in which her majesty's advice may seem to be desired, are not places (as they call it) of the kingdom, but private menial places, a treasurer of the household, a captain of the pensioners, and a gentleman of the bed-chamber: that concerning the other more publick places, his majesty absolutely declares himself, without leaving room for her advice; which seems to prove the contrary to that which by this they intend to prove. Fourthly, that of the persons there named there is not one that either is a papist, or so like one, that a jesuit may be thought to have recommended him, nor any one, except the lord Digby, that was either impeached or otherwise taxed, or that could appear to his majesty to have ever been in any degree disliked by both or either house, before assisting his majesty against a rebellion did lately become treason: and whoever considers the time and other circumstances even of that impeachment, and that their eyes were then so dazzled with fears and jealousies as to take a coach and fix horses for an army raised against them, will hardly look upon that impeachment with that reverence which hath usually been paid to accusations of that kind. And for their bearing of arms in such a time wherein all his majesty's subjects do either bear or assist arms, either for or against him, he supposes that it will not be thought strange, if he choose persons for such places as are in his own disposal rather out of the first sort than out of the second.

And as his majesty hath fully answered their observations upon his letters, so he believes that one thing more

more (though unobserved by this declaration) cannot but be observed out of them by his people ; and that is, that in his majesty's most private letters to the person nearest to him, wherein he cannot (as by some in his publick declarations he is) be suspected to say any thing out of design or policy, his own clear perswasion that the rebels, and not he, have been the cause and are the fosterers of this war and universal distraction, and his sense of it, and his desire of the end of it, are so plainly expressed, that they will by this accident be much satisfied with his majesty's innocence and reality, and believe that the reading this in such a letter, is the very next degree to reading it in his heart. Their fifth and last argument is, the attempts of force and violence against the kingdom and his parliament, and they instance in four. The first is, a design many years since to bring into this kingdom the German horse, to compel the subjects to submit to an arbitrary government. And to this his majesty replies, that he esteems his condition more miserable than that of any of his subjects, when he sees a few factious persons have obtained that power, as to be able to publish to all his people, in the name of both houses, a charge which (coming forth with the semblance of such authority) may much work with them against him, and yet do not (which is certainly because they cannot) tell any one proof or particular either whence, whither, when, by whom, or by whose design these horse should have been brought. They confess it is many years since, and it seems it is so many that these particulars are all worn out of the memory of man. The second is, the endeavour to bring up the Northern army by force and violence to awe the parliament.— To this his majesty hath so often answered, and received so little reply, that he will only now briefly say, that according to the evidence they have published themselves, (and that before hearing the persons concerned in it, after so long a time of the houses leisure and their attendance, whose answer it was perhaps feared would have cleared it more) it doth not appear that there was ever any endeavour used in it, nor any thing further than a mere motion, which died as soon as it was conceived ; and it doth appear that his majesty absolutely

disliked it as soon as by way of discourte it was but named to him : but if it had been really endeavoured, it had been but an endeavour towards that which was directly put in execution by the tumults, and those countenanced by the refusal of the house of commons not only to punish them, but so much as to join with the lords in a declaration against the like for the future, and by the stopping the legal proceedings against riots by a single order of the house. The third is, his majesty's coming in person to the house of commons with many armed men to demand their members to be delivered up. His majesty confesseth he came ; he denies that (to his knowledge) he came accompanied with any man otherwise armed than with his guard and pensioners, in the same manner as he usually came to the house of lords, and with some gentlemen (as his train when he goes to any publick place is always so waited on) with their usual weapons, their swords. And if they had been as careful to publish what persons of quality (as serjeant-major Ashly for one) testified upon their knowledge and oath, as what mean, unknown and unsworn persons delivered upon their bare credit or upon hearsay, it would have appeared to his people how little violence was intended by any who came with him, however armed, and what care he took, and what orders he gave to be sure to prevent any that possibly might have happened. His majesty likewise confesses, that he demanded the members he had accused of high treason ; but puts them withal in mind, that the house of commons had hardly left him any other course ; having by their single order, the night before, intercepted all ordinary proceedings of justice against them, forbidding all officers to attach any member for any crime without the consent of the house, and encouraging the people in that case to assist them against any officer ; tho' their privileges had been confessed by a late petition of both houses not to extend to treason ; and though this order were as illegal and unjustifiable, as not only his majesty's coming to the house, but even as any thing they would have had the people believe that he intended when he came. But whatever breach of privilege there was in this, his majesty did not offer to justify it by their preceeding breach
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of law, but offered them often reparation and satisfaction for it; but it seems nothing but the ships, forts, ports, magazine, and militia of the whole kingdom would appear to them a reparation for a single, and (this circumstance considered) perhaps a disputable breach of privilege. The fourth is, the treason of the earl of Strafford, to bring over the Irish popish army to conquer the kingdom. To this majesty replies, that whatever the earl of Strafford could have said (for this army he is sure was never brought, nor, that he ever heard, was ever endeavoured to be brought over, either to that or any other purpose) his majesty cannot see why it might not have remained buried with him, or why any other satisfaction should be given for it, or other security against the like, than the punishment, he hath already undergone. Having given what reasons they can to justify their limitations of his majesty's propositions, this declaration in the next place attempts to satisfy that reason insisted on by his majesty, "that it is his right by law," (to which they should have added, "and contrary to law forced from him;") and not being able to deny that, and yet being willing to deny something, they quarrel at the phrase, and deny that this power of disposing these commands is by law absolutely vested in his majesty, and that because he is trusted with them for the defence and safety of the kingdom. His majesty still justifies what he said himself, and yet confesses all that they say too, but only denies the consequence; for no man is absolutely vested in any thing, if being trusted with it to some end hinder him from being so. The house of commons is trusted with a preparatory, the house of lords is trusted with a judicatory, the king, lords and commons are trusted with a legislative power, and all these have those trusts vested in them for the publick good; and are not yet all these trusts absolute, that is, subject to the controul of no other power? is no man absolutely vested in his goods, because all we have we are trusted with for the glory of God? his majesty meant only that this was so absolutely vested in him by law, as nothing but a new law could without breach of law take or hold it from him. But the declaration is content to admit that too, only denies it to be a reason

why his majesty should deny to alter that law, when by circumstance of time and affairs that power becomes destructive to the commonwealth and safety of the people, the preservation whereof is the chief end of the law. And his majesty is equally ready to confess that it is no reason, but doth absolutely deny that this is the case, (insisting that the circumstances of time and affairs hath made this power more necessary than ever to remain in his majesty for the protection and safety of his people;) and he claims himself to be as absolutely trusted by law with the final judgment, whether it be the case or no, and with a power of rejecting any such alteration upon any such pretence, if it appear but a pretence, to him, as either house is trusted to propose any such alteration to the other, or both to him, if it appear to them necessary and convenient.

But, says this declaration, the two houses of parliament being the representative body of the kingdom, are the most competent judges thereof: and, says his majesty, the representative body of the kingdom is indeed, and that is the king, lords, and commons; else either the head is no part of the body, or at least will be no longer than the body please. Indeed the two houses in some sense represent the kingdom, in any action which the law (which is the rule of the kingdom) hath intrusted and enabled them to do; but either one house or his majesty do equally represent it in any thing which the same law hath entrusted and enabled him or them to do; and for those actions in which the law requires the consent of all three, every one is to be allowed their own several distinct judgment, for themselves only, and any one without the other two have as much right as any two without the third, to represent the kingdom, and to be competent judges of the case. And his majesty cannot but take notice how much reason he had not to yield to this demand, since the grant of this demand would be received as an admission of this case, and it would logically enough follow, that if his people cannot be safe and he retain this power, he doth not deserve to retain any: and if their demands were granted, and the armies upon their demands disbanded, this consequence in all probability would soon be both perceived and preferred.

fed. But his majesty may without prejudice admit both houses to be the most competent judges in this particular, and then put them in mind, that before so many things had been done by the violent party to turn the tide of fears and jealousies; before they had involved the king and subject in a common suffering, and equally destroyed all the property of the one, and prerogatives of the other, by orders and ordinances, and so there then appeared less necessity that this power should remain in the crown, either for the preservation of itself or of the people, and little danger appeared to the people if this power were thus shared; the house of lords did then twice deliver their judgment, that this power in his majesty was not become destructive to the commonwealth and safety of his people, nor the alteration of this law necessary, by twice denying to join with the commons in their desire, that part (for the ships and the time were not then named) of this power might be shared, and of this law altered: by which denial the commons were forced to petition for it by themselves. Nor did they only deny it, but both times, in full houses, after long and free debates, it was carried upon the question by above twenty voices, and that at a time when all the papists lords had left the town, and hardly any bishops were left uncommitted (twelve being at once clapt up upon an accusation of treason, which they themselves have since been ashamed of enough to wave) who were then the persons usually represented to the people to be the evil counsellors of the lords house, and to whose prevalence it was imputed in the first remonstrance of the house of commons, that their good and necessary motions did not pass in that house. And as they denied it twice, so they would have denied it till now, if the petition of many thousand poor people about London (who certainly did not then believe the lords to be competent judges) and the demand of the house of commons joined to it, to be told the names of those lords who denied it, and the direct threats of so many petitioners (to which the former tumults gave sufficient credit that they would be really executed upon them) had not made many of the lords to be of his mind who would not dispute with him who commanded thirty legions, and give way

way to the potent minor part to appear the major, by absenting themselves, and suffering them to pass what they pleased. So that neither the votes which then pass to desire these particulars, nor the execution of these votes, and seizing these particulars with a violence yet greater than obtained the votes, nor the multitude of consequences of the same kind built upon that foundation, can at all be said to have had the authority of both houses; though most of those actions have been such, as the authority even of both houses, how full and free soever, would not be sufficient to justify. And this opinion of the necessity of altering the law in these points, was even then at most but the opinion of the house of commons, awed by a few members assisted by the common people, and together with them awing the lords.

They next pretend heartily to wish, that the laws and statutes of the kingdom may be the rule of what is or what is not to be done; but how little fruit hath been gathered from this tree, they say, let the experience of the last eighteen years judge. To this his majesty replies, that it is true in some sense, they are willing these laws should be his rule, that is, that he go no farther (though they will by no means allow him to go near so far;) but almost all their actions, and most of their demands, and particularly these, do sufficiently shew, that they will not admit of these laws and statutes to be any rule to them. And how much better fruit they have grafted than they found growing, and whether they have not made use of the cure and remedy of grievances, a parliament, to impose more of all kind of grievances upon the people in eighteen months, than can be objected to his majesty or ministers upon the breach and in the intermission of parliaments during those eighteen years, let experience be judge. And it cannot but appear strange to his majesty (if any thing could still appear strange to him) that the illegalities under which his subjects suffered by some of his ministers in some part of his reign, should be now, and by them, laid as a charge upon him, when not only the people have suffered far greater illegalities and pressures upon the same, if not less, pretences, by those who charge him with them; but when he hath by his acknowledgments, by his ample satis-

satisfactions, by the submitting the offenders to punishment, how great or near soever to him, and by his many and solemn protestations, given security to his people that they shall never suffer the like under him: and when they on the other side as good as profess to the people, that they think themselves obliged to maintain (and consequently are likely to continue) what they have done, because they have done it, and that their actions shall not be retracted, lest some reflection or dishonour fall upon both houses, and lest they may seem to pronounce a sentence of injustice and rashness against themselves; this being one of the reasons given by them, why they cannot re-admit the members they have expelled. And his majesty is confident, that his people, when they shall consider both his ministers actions and theirs, and after compare his ingenuity with their principles, will easily conceive under whose government they are most likely to return to the known rule of the law, and to find that ease, and to be continued in those rights in and to which they were born, and of the exorbitance of whose power they have most reason to have any fears and jealousies, and against whom they have most reason to desire to be secured, that they shall enjoy their rights.

Nor do they with more colour oppose his majesty's limitations and conditions, than they defend their own. They object against his majesty's demand or limitation of being satisfied in his first proposition, that if his ships, forts, &c. were to be delivered before disbanding, it must after be left to the pleasure of the papists, and other evil counsellors about his majesty, whether they would disband or not. But his majesty replies, that he made not his limitation in these terms, as soon as his first proposition should be wholly granted to him, but, as soon as he should be satisfied in his first proposition, which left room enough upon debate to have agreed either upon the time of delivery, or upon sufficient caution that after the delivery the disbanding should unavoidably follow. Nor can his majesty look upon this objection otherwise than as a jest; since if after the performance of part of the conditions he had refused to perform the rest, he is persuaded that so open a breach
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of faith would have given them a far greater strength than they had parted with in the ships and forts, and have raised against him a far greater army than he should have refused to disband.

They object against his demand of the restitution of members, that in his demand no distinction is made of persons or offences, when the reason thereof is, that really no distinction can be made, they being all equally innocent, and all equally injuriously expelled, not only for committing no crime, but for that duty and loyalty which deserves both approbation and reward. And if they could make any distinction in this point, or any objection in any other, which might possibly have satisfied his majesty, why did they not continue the treaty, and there offer it to and debate it with his majesty, rather than break off the treaty without giving any answer to any part of his majesty's message, and to turn themselves wholly to the people, from whom no return could possibly be made that might be in order to peace?

They object against the reason of this demand, (that these members have been expelled only for adhering to his majesty) that the same reason may be used for the judges who adhered to him, by furnishing him with great sums by illegal judgments about ship-money and monopolies; and that he may as well require the houses to repeal the impeachments and proceedings against them. To which his majesty replies, that by never having appeared at all in the favour, excuse, or extenuation of the fault of those judges, (who are to answer for any unjust judgment, in all which his majesty left them wholly to their consciences; and whensoever they offended against that, they wronged his majesty no less than his people) and by his being yet so careful of these lords and gentlemen, it may appear that his majesty conceives, that those only adhere to him who adhere to him according to law. And whether the remaining part of the houses be not more apt to repeal their own impeachments and proceedings against those judges, (if they conceive they may be made of use and brought to adhere to them) than his majesty is to require they should, may appear by their requiring in their fourteen
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propositions, that sir John Brampton (impeached by themselves of so great misdemeanors) may be made chief justice, and by their freeing and returning justice Barkley, (accused by themselves of high treason) to sit upon the bench, rather than free and employ justice Mallet, who was not legally committed at first, but fetched from the bench to prison by a troop of horse, and, who, after so many months imprisonment, remains not only unimpeached, but wholly without any knowledge of what crime he is suspected.

They next object against the persons in whose behalf the demand is made. And to this his majesty replies, That to shew how far he was from having raised this army, or from intending to employ it to destroy this parliament, or the act for the continuance thereof, as is falsely and maliciously charged on him, to avoid the objection made against him, as if he only pretended to desire to rule by law, but would really be the only judge of law himself, and deny all judgment to both houses; to shew how willing he was that both houses should be the judges of what belonged to them to judge, whensoever they might be in that full and free condition in which it belonged to them to be, and to avoid the destruction of the kingdom, which would be occasioned by the delay of disbanding, if that were not ended before all the present differences: his majesty proposed this way of a full and free meeting in parliament, and to refer those many differences between him and the remaining part of both houses, (on which he might with justice have insisted, and which in themselves were necessary to be settled) till they might be settled in that meeting, and insisted for the present only upon that which was necessary for the settling of such a meeting. And in such a convention, if the persons now in question should upon debate have appeared guilty of such crimes wherewith this declaration charges them; as to have deserted the house, (when intolerable tumults and unjustifiable votes drove them from it) to have disobeyed and contemned the authority of the house, (for not having submitted their allegiance to that authority) to have neglected the trust reposed in them, for staying no longer where they could not with freedom discharge it, and

and to have by practices and hostility endeavoured to destroy both parliament and people (for having assisted his majesty, and defended his person against an army raised and fighting against him;) his majesty would have been very well contented, if the houses should then judge so, that they should have been finally expelled, and that the people might enjoy their interest and freedom of choice and election, when it should have been justly devolved to them. But by their declining of this course, it is evident that they well know, in such a full and free meeting, who would appear by most voices to be the innocent, and who the guilty, who the deserters, and who the drivers, and that then and there they would as little be able to justify their own votes as to condemn these persons; and therefore having by force got sole possession of the place, are wisely resolved to admit none to judge there of what is law, but only such of the major part, of whose judgments they are secure, as having been made instruments to violate it.

To his majesty's demand of security from such tumults as formerly awed the houses, they only answer, that what is said of awing the members is a high and dangerous aspersion, raised without doubt to invalid the acts and proceedings of parliament: but to the known particulars urged by his majesty they are wholly silent, and neither deny such tumultuous assemblies to have been, nor the lords to have twice complained of them, and desired the house of commons to join them in a declaration against them: nor can they deny but the lords added this reason, "lest such assemblies might be derogatory from the good acts made and to be made in this parliament;" all which acts nevertheless that house undoubtedly did not intend to invalid, either by that desire or by that reason. Nor can any man, that hath seen what protestations his majesty hath taken (all which he doth now again renew) for maintaining of the laws consented to by his majesty this parliament, but sufficiently free his majesty from the aspersion of having raised this to invalid those. But if they mean by their proceedings, the votes, orders, ordinances, and declarations wherewith they have almost daily oppressed his subjects
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and defamed his majesty since those tumults, if they mean the countenance they have given by personal contributions, by oaths, by commissions of generalship and the like, to the present rebellion raised against him; he then confesseth, not that he raised this aspersion, but that he declared this truth, as an argument of the more evident invalidity of their present proceedings, which those tumults, (and apprehensions of the like, and of an army now in the city to boot) rather than the inclination of both houses, may appear to have produced. And this appears to be no less their opinion too, by their being so infinitely unwilling to suffer the members to meet in so secure a manner, that they may be hindered by no awe from declaring to all the world whether they were awed before or no: and thence the world may judge of these mens aversion from all agreement, when in order to so blessed a thing as peace, they refuse so just a demand as security.

They next object against adjourning twenty miles from London: and in the first place they object against it, that in making that a condition of disbanding to which by law they are not bound to consent, his majesty requires a new law by arms. In which they are wholly deceived, for his majesty never made it a condition: to have security for himself and both houses from tumults (which they cannot deny to have been, and against which notwithstanding they do not offer any other kind of security) his majesty did demand as a condition (and security is undoubtedly his majesty's due by law) but the adjournment was only expressed as that which his majesty only conceived to be the only security; not but if they could find a better or but another way, his majesty would as readily approve of it. But his majesty appeals to the world, whether his majesty ought to have done less for his security and that of the members, and the freedom of their votes, than to demand security against tumults; whether he could do more for peace, than to be ready to accept any sufficient security that they should offer, and withal to be industrious to find out a fit means for that security himself, and to propose it in so large a manner to them, as to leave them to choose their own place out of all the
rest

rest of England ; and whether, on the other side, they could do less toward either, than not to grant the security, when they cannot deny the danger, and not only not to seek after and offer any one way that might secure, but so absolutely to refuse that reasonable way of security which is offered to them, whether the inconvenience of removing records twenty miles ought to be in any balance with the miseries of a war ; whether the avoiding of this (but tacit) confession of that truth (which they call a scandal, but can never prove one) that his majesty was forced for his safety to withdraw from his parliament, of which the army raised without his consent, to bring in triumph to the houses persons accused of high treason by him, were alone a sufficient testimony, and that the members were awed) when their names were sometimes demanded, and sometimes posted, their persons laid hands on, and the tumultuous multitude neither punished nor discountenanced so much as by a declaration ; whether the fear left London (in which and by a part of which all this was done) should seem to suffer a charge : and lastly, whether the doubt, left in any place out of London his majesty should again come to the house of commons with armed men (upon what appearance of right, after what orders against his known right, and with how little either intention, offer, or colour of violence he came thither, having been shewed before) can appear a sufficient reason for their resolution against such an adjournment, in order to the public peace : and whether, although there were no necessity of it but his majesty's desires (who out of compliance with them hath put the absolute power out of his own hands, not only of adjourning the parliament whither, but of dissolving it when he pleased) it might not seem no unreasonable request after so large a grant.

Their third part is this, to prove his majesty's aversion to peace by several circumstances. The first is, his having denied to receive their petitions : which his majesty never did. For if they mean (which was all he ever did towards any refusal) his refusing to receive any from or by any person accused of high treason by him, (when they had other and more direct ways of sending

sending to him (as they had) than by the earl of Essex, if they had not gone out of their way out of desire to have it refused) they may as well say, he hath refused all that have ever since come to him from them, for he continued always to make that exception: and if their hope of present and total victory had not made them insist upon that before Edge-hill which they quitted after, the petition offered to be sent from my lord of Essex from the head of his army had been then received too by any other kind of hand; though, if his majesty were rightly informed of the contents of that petition, neither their offer of such a petition could shew any inclination to peace in them, nor could his absolute refusal have shewed any aversion to it in his majesty.

The second is, that their committee must not, without a special safe conduct and protection from him, have access to him; a liberty incident to them not only as members of the parliament, and employed by both houses, but as they were free-born subjects. To this his majesty replies, that he never denied their committee to have access to him without a safe conduct, nor did he ever so much as mention any to them. The first motion concerning a safe conduct was in a letter from the lord Grey of Wark, speaker *pro tempore* of the lords house, to either of his majesty's secretaries, dated the 3d of Nov. 1642, desiring one for that committee which after attended his majesty at Colebrook; and the same was again desired for the committee appointed to treat at Oxford, by a letter from the earl of Manchester, speaker of the same house, to the lord Falkland, dated the 28th of February. And must it not seem strange to all the world, that his majesty's granting of that which both houses in order to the treaty asked of him, should be after charged upon him as a provocation laid in the way to interrupt or break off the treaty? And since undoubtedly (and that reasonably) it would have been interpreted aversion in his majesty from peace, if he had denied this when it was asked; his condition was very hard, when, it seems, he could not either way have avoided this imputation, whether he had denied or granted it. But his majesty desires his subjects to consider the great difference between
what

what his majesty hath cause to complain of, and what they do. Mr Alexander Hampden, employed by his majesty with an olive branch, a message for peace, directed to both houses, inclosed in a letter to the speaker of the lords house, having his majesty's pats testifying that he was so employed, having delivered this message to the lords house, and that house having received it as a gracious message, is committed by the house of commons (notwithstanding the liberty of access said to be incident to all free-born subjects) for not having a safe conduct from their general, upon pretence of an order of that house but lately made, and never past the lords, nor published by themselves, and notwithstanding that the lords at a conference desired the messengers release upon the aforesaid reasons, and that he was sent to them, and that their own messengers had divers times of late gone to Oxford in the same manner; and none of his majesty's had come otherwise, yet the only answer returned was, "that they would stand to their own order." On which his majesty cannot but observe, first, that how great authority soever both houses expect to have with his majesty, yet one house hath but a little with the other; secondly, that the privilege of that house is as little considered as their intercession; since undoubtedly, if the lords (who in many cases have power to commit, which the house of commons hath not over more than their own members, in any case but of breach of privilege) had committed a messenger sent to the house of commons (especially from any to whose messengers they paid half that respect which they owe to his majesty's) upon an order only of their own house, and having committed him without their consents, should not release him at their desire, it would have been looked upon by them as no less a breach of privilege than his majesty's coming to their house; thirdly, that by this his majesty hopes that the violent party doth now see better times are not far off, since he is told by this very declaration, that evil spirits do then rage most, when they think they must be cast out.

The grounds of their third and fourth (for such as have been taken notice of by the by, and replied to before, need not to be repeated) are these: during the treaty

two proclamations issued at Oxford against associations, and raising of forces and taxes by virtue of ordinances, in which his majesty charges a traitorous and rebellious army of brownists, anabaptists, and atheists (but not both houses, as, for want of being charged, they charge themselves) to endeavour to take away his life, and the religion and laws of the kingdom. And some letters were intercepted, by which, they say, it probably appears to them, that his majesty had then designs upon Killingworth, Scarborough, and Bristol. But his majesty thinks it strange that it should be expected, that this treaty should have so much influence on one side, and so little on the other; that during the treaty taxes may be illegally laid and levied, and his majesty may not legally forbid them: that soldiers of the earl of Essex's army daily rail against episcopacy, break into churches, pull down organs and monuments, tear surplices and common prayer-books, and his majesty may not call them brownists; that that army may go on daily during the treaty in overt acts of rebellion and treason, and it must be an interruption of the treaty in his majesty to call them rebels and traitors; that he may not say they endeavour to take his life, who have shot at him as often as he hath come within cannon shot of them; and that the treaty should not oblige them from taking any town or castle of his majesty's from him, and yet his majesty be obliged by it neither to regain any of his towns, nor receive any of his own castles; that sir William Waller may really take Malmesbury and Teukesbury, and his majesty must not so much as think of Scarborough or Bristol; upon which city as his majesty doth avow to have had a design to recover it from the rebels, so he absolutely denies it to have been either bloody or barbarous, epithets which they are pleased to give it, but for what reason he cannot imagine, his majesty abhorring all thought of what is printed at London, that it was intended, man, woman, and child should have been all killed in that town, that had not such a word or wore not such a ribband: though some word or mark might well be agreed on, not with intention to kill all that had it not, but that more particular care might be taken of their protection that had it, not only from all danger,
but

but from all disrespect. But the execution upon cold blood of some of the principal citizens of that city for their loyalty to his majesty upon a single order, without the least colour of any legal proceedings, will appear to all men most barbarous and bloody, and such a murder as his majesty must not leave unrevenged, nor can his subjects look upon otherwise, than as purposely now committed to make peace yet more impossible, and as an earnest of that intolerable arbitrary government which they must always expect to suffer under, if that violent party should prevail.

Since therefore, notwithstanding these frivolous objections, his majesty's desire of peace (by his earnestness for it both before, and during, and after the treaty) doth so fully appear, and since their inclination to the contrary, (by their most earnest and utmost endeavours to hinder both the beginning, continuance, and renewing of the treaty) is no less evident; since in the treaty his majesty's main aim was the immediate disbanding of the armies, and that differences might be debated in a full and free convention in parliament, and that to that end the parliament might be restored to the natural and genuine condition, and all things only restored into that state wherein they were when the houses were full and free; since his majesty asked nothing that they could deny to be due to him by law, and his majesty denied nothing that themselves could claim by law to belong to them, nor any one thing of that public necessity or value, as deserves the shedding of one drop of that sea of blood which will be spent in this unnatural quarrel; since his majesty made the last most reasonable proposition, and they will never suffer it to be granted nor debated, and three messages of his majesty's cannot obtain one answer; his majesty hopes that the scales will now fall from the eyes of his most blindly-seduced subjects, and they will now be able to discern both their duty and their interest by so clear a light, that it will not be longer in the power of this violent party to engage them to be wicked that they may be miserable, and by opposing justice to destroy peace. And his majesty doth most earnestly conjure those whose fault hath hitherto proceeded

ceeded rather from want of heat than want of light ; who out of too much care of their private safety have been either lookers on, or have at once disliked and countenanced these courses, that they at last rouze up their courage to take part with their conscience, and fear to be damned more than to be plundered, and consider, that if they will desert and oppose that party whom their tameness only makes considerable, and unite themselves with but half that industry to defend his majesty, and the religion and law established, which the others use to destroy them all, they may avoid the one and be in no danger of the other ; their numbers being such, that if they once but knew one another, by merely joining to appear to think as they do, they might speedily end this (truly stiled by them) the worst kind of war, both as it is of English against English, and of subjects against their prince. But if they shall still suffer themselves to be carried away with the stream, they will by that suffer the power of the violent party to take so deep a root (by being seized of all the arms, ships and strong places of the kingdom) that if they should happen to prevail in this war against his majesty, they will (in despite not only of them, but of their present rulers, if they should be willing to divert them) extirpate the law, root and branch, alter the whole frame of government, introduce democracy, independence and parity, and leave neither king, church, nor gentleman : and (besides that they will then appear to themselves guilty of this intolerable innovation which they have not timely enough opposed) this party will then forget that they did not oppose them at all, and remember that they did assist them but a little ; will distinguish between those who assisted them out of zeal and out of fear ; and who are now called moderate, they will then call malignant, and the inequality, injustice, and oppression they will then endure, will too late discover to them to their costs, that they have undone themselves with too much discretion, and obtained nothing by their unjustifiable cautious compliance but to be destroyed last.

PAPERS concerning UXBRIDGE TREATY.

His Majesty's Answers to certain papers delivered in to his commissioners at Uxbridge upon the close of the treaty: one concerning the militia, and two concerning Ireland. To which (being long, and coming in so near the breaking up of the treaty) no answers could then be given.

HAVING received an account of the passages of the late treaty from our commissioners, we caused a narrative thereof to be made and published; wherein, besides the necessary connexions, there is nothing set down but what passed in writing; but because their last paper upon the subject of the militia, and two last papers concerning Ireland, were delivered upon the close of that treaty; although we conceive the answers given in the papers formerly delivered by our commissioners are abundantly sufficient to give satisfaction to those also: yet because there may be a want of memory in some, and of observation in others, who shall read that narrative, to bring home and apply the former answers of our commissioners to those papers, and because they seem to expect answers, which (the treaty being determined) cannot be given by our commissioners, and to vindicate ourself from many passages scattered in those papers, particularly reflecting upon our person and royal authority, we have thought fit, for the further satisfaction of all our good people, to make these ensuing answers.

And, first, to that paper concerning the militia.

WHosoever shall observe the passionate expressions in the close of this paper, (wherein "they do most earnestly desire our commissioners, as they tender the deplorable estate of these bleeding kingdoms, the settling religion, our honour, and the composing these miserable distractions, to give full and clear answers to the demands concerning the militia") might very well believe, that they who so importunately demanded would as willingly have received an answer. But

But when it shall be considered that this paper was not delivered in till after two of the clock in the morning upon the breaking off the treaty, when they had denied any further time to treat, or to receive any papers dated as within the time of the treaty, (as formerly was mutually done, and this very paper of theirs delivered in truth upon the 23d was received as dated the 22d of February) it will be most apparent they kept it as a reserve to be purposely and by design delivered so as it should remain unanswered. For the matter of that paper; they say, they "have by their answers satisfied the several questions proposed to them by our commissioners touching the militia." It was necessary they should have done so, that it being proposed to us to part with so great a trust as the power of the sword, and to put it wholly out of our own hands, we might know how, and to whom, and for what time, and upon what terms we parted with it. But we will look back upon some of their answers, that it may appear what they are. Our commissioners desired to know, who the commissioners should be, in whose hands the forces both by sea and land should be intrusted, and whether we might except against such persons, and name others in their places of known affections to religion and peace. To that part of the question, whether we might except against the persons, they made no answer. To the other part, requiring who the commissioners should be, they answered, "that the commissioners were to be named for England by the two houses, and for Scotland by the estates of the parliament there: whereas the question was not, who should name those commissioners; but, who they were that should be named, a thing most necessary for us to know, before we entrusted them with so great a power.

Our commissioners desired to know, whether the militia of London should be independent and not subordinate to those commissioners. They answered, "it appeared by the propositions, the same was to be ordered in such manner as should be agreed on by both houses." Which was no answer to the question, though likewise necessary to be known, the militia of London being so great and of such importance. Our
commissioners

commissioners desired to know, what authority the commissioners nominated by the estates of the parliament of Scotland were to have in the militia and setting of all forces by sea and land in this kingdom, and what influence the advices and orders from the estates of that parliament should have upon this kingdom. They answered, "that might be fully satisfied by the "propositions concerning the militia." And though our commissioners desired it, they could get no other answer from them in writing. Our commissioners desired to know, what jurisdiction they intended the commissioners of both kingdoms should have, by the power given to them to hear and determine all differences that might occasion the breach of the articles of the peace, and by what law they should proceed to hear and determine the same. They answered, "that the commissioners were to proceed in such manner as was "expressed in the propositions." Whereas the propositions express no more than what is contained in the words of the question. And being further pressed to an answer, they answered, "that the matter of the jurisdiction of the commissioners was expressed in the "propositions;" and for the manner of exercising of it, and by what law they should proceed, "the same "was to be settled by the two houses of the parliament "of England, and the estates of the parliament of "Scotland respectively." This being no answer, and a full and direct answer being required to these questions, the answer given was, "that they referred themselves "therein to their former answers." Our commissioners desired to see the act of the late treaty for the setting of the garrison of Berwick, of the 29th of November 1643. (being made betwixt the two houses and those of Scotland, without our privy) as relating to the business of the militia: they answered, "it was not then "to be treated on, but was reserved to its proper time;" and our commissioners could never see it. Our commissioners desired to know, whether by the joint power mentioned in the propositions to be given to the commissioners for both kingdoms, to preserve the peace between the kingdoms, and the king, and every one of them, they intended any other than military power for
suppressing

suppreſſing forces only ; which queſtion was aſked, becauſe in the propoſition there are two diſtinct clauſes, one whereby they have that power to preſerve the peace, the other whereby they have power to ſuppreſs forces. In anſwer to this they refer our commiſſioners to the propoſitions. That theſe anſwers (though made to queſtions ariſing upon the doubtful expreſſions in their propoſitions) referring to the propoſitions themſelves, or to what was not then, but was after to be ſettled by the two houſes, are not ſatisfactory anſwers to thoſe queſtions, is moſt evident. But we do not wonder they were unwilling we ſhould ſee the clear drift of thoſe propoſitions, the ill conſequence whereof (which here after appears) we are willing to believe moſt of thoſe who agreed unto them did not at firſt apprehend.

They ſay, " they marvel why it ſhould be inſiſted on, " that the commiſſioners for the militia ſhould not be nominated by the two houſes only, and that we, who " were to be equally ſecured, ſhould name none,* ſince " this power was not to be exerciſed till a peace concluded upon the treaty, and then we had been ſecured " by the laws of the kingdom, and by the duties and " affections of our ſubjects." We think it far more matter of wonder (ſince it is confeſſed that we, and ſuch our loyal ſubjects who have faithfully and conſtantly adhered to us, were equally to be ſecured) that they would allow us no ſecurity at all, but to put ourſelves wholly upon them, who even afterwards in this paper deny our juſt power of the militia, and of making peace and war, and might with much more colour hereafter do ſo, if by our conſent that power ſhould be once, though for a time only, put wholly into their hands. It is true, the laws of the land and the hearts of the people are the beſt ſecurity for a prince, that he ſhall enjoy what belongs to him ; but it is as true, that the laws of the land and the love of the prince towards his people are likewiſe their beſt ſecurity, that they ſhall enjoy what belongeth to them. It is a mutual confidence each in other that ſecures both : but this is to be underſtood in calm and quiet times. The preſent diſtempers have bred

* Theſe are their words, but ſeem to be miſtaken, for our commiſſioners always inſiſted, we ſhould name ſome of them.

mutual jealousies : and if they think it not at this time reasonable wholly to trust the laws and us concerning their security, but require the power of the militia, in which they have no right ; much less it is reasonable that we should wholly trust them concerning our security, who avowedly bear arms against us : but if for the love of peace we are content for a time to part with this great power, which is our known right, it is reasonable that we should have the nominating of some of those who should be trusted with it. Yet on our part we were well content to repose ourselves in that security they mention, if the two houses would likewise have relied upon the same security of the laws and affections of the people, to which they so much pretend : but though it was offered that we should return to our two houses, whereby all armies being disbanded, both they and we might have been restored to the laws, and guarded by those affections of the people, yet that was not admitted. They say, " this power of the militia " was not to be exercised till after a peace ; " but they do not remember it is to be agreed on before a peace, and proposed in order to a peace : and we might with as much reason (and far more justice, in respect of our undoubted right over the militia of this kingdom) have insisted upon the sole nomination of the commissioners, because their power was not to be exercised till a peace concluded, as they for that cause to have excluded us from the nomination of an equal number, and assumed that power wholly to themselves, not affording us so much as the liberty to except against any of them. And whereas they say " these commissioners for the militia " have a rule prescribed, and being removable and liable " for any miscarriage to a severe punishment, cannot " do any thing to our prejudice, contrary to the trust " reposed in them : " if they had such a rule, (which yet by their propositions and papers we cannot find, having by general and indefinite terms an unlimited power given to them) it proves they should not, not that they would not break it. He that hath power (as these commissioners would have the greatest that ever subjects had) and will to abuse that power, may extend and interpret the rule prescribed him as he shall please

please himself. And therefore since out of our ardent desire of peace, we were content to part with this power, we had reason to require, that at least some of those who should execute it might be such whom we ourselves should nominate and could trust.

For that which is said, that if the commissioners had been severally chosen, the memory of these unnatural divisions must needs have been continued ; and probably being severally named, they would have acted dividedly according to several interests, and the war thereby might be more easily revived : it is apparent, the memory of the war must as much continue where any commissioners are named at all, as where they are named by either party, since by putting that power into their hands it is put out of the proper channel. But it is not the memory of a past war that is dangerous, but such a remembrance of it as is joined with a desire or inclination to revive it. And if it were probable, as is alleged, that if the commissioners were partly chosen by us and partly by them, that being severally named, they would have acted dividedly according to several interests ; it would be much more probable, that being wholly named by them, they would have acted only according to their interest ; and so on our part, instead of an equal security, we must have been contented with what laws and conditions they would have imposed. But we shall again remember, that the offer on our part was to name such against whom there could be no just exception, if the persons were named equally betwixt us. It was likewise offered, that those commissioners should take an oath for the true discharge of their trust ; that we ourselves were willing to take an oath to observe the articles of the treaty ; and that all persons of any immediate trust by offices or attendance upon us, and all others whom they should nominate, should take the like oath, and with such penalties, that whosoever should infringe the agreement, should be accounted most pernicious enemies to us and the kingdoms. And if this way of mutual nomination were not approved, there was another proposed, that the persons should be nominated between our commissioners and theirs, by whose mutual consent it might well have been hoped

such persons might have been named, in whom we and they might have confided. But to this no answer hath been vouchsafed, nor could any thing satisfy concerning the militia, unless, without knowing who the persons were who should be entrusted, we should with an implicit faith in persons whom we did not know, put that power into their hands. They say, that though by their propositions the commissioners were to continue without any limitation of time, "yet they have since proposed a time of seven years." We know not that they have, during the whole treaty, in any one particular receded from insisting on their demands, as they are set down in their propositions *in terminis*. And in this point, though they seem to reduce the time, which in their propositions was indefinite, to a certainty, to which yet the Scottish commissioners have not absolutely agreed, the alteration is more in shew than in deed, and rather to the heightning than abating their demands. For whereas they have limited the time to seven years, yet it is with an additional clause, that after those seven years it was to be executed as we and they should agree, and not otherwise: so that though the commissioners should have the power but for seven years, yet we should not have it after those seven years, nor at any time, unless they and we could agree in it: so much would they have gained by this seeming compliance in point of limitation of this power to a time, though not to that time of three years which we proposed. But they justify the reasonableness of it: for whereas our commissioners in their paper (to which this of theirs is applied as an answer) tell them, that if the time for this power be unlimited, "we and our posterity shall
 " for ever part with our peculiar regal power of being
 " able to resist our enemies or protect our good subjects,
 " and with that undoubted and never-denied right of
 " the crown to make war and peace, or ever more to
 " have jurisdiction over our own navy and fleet at sea," (the command thereof being also a part of this great power to be given to these commissioners :) they answer plainly, "they cannot admit of this peculiar regal power, which our commissioners mention, to reside in
 " us, concerning the militia, and to make peace and
 " war

“ war ; or that it is otherwise to be exercised than by
“ authority from us and both houses of parliament of
“ England, and the estates of the parliament of Scotland
“ respectively.” We approve of their ingenuity, that
now at the breaking off of the treaty, they tell us in
plain terms what they mean : though the common-law-
books and records of parliament have mentioned, that
the sole power of protecting the subjects belongs to the
king, and that he alone hath power to make peace and
war ; though it hath been the language of former par-
liaments, even of the last parliament, and at the begin-
ning of this parliament, “ that the power of peace and
“ war is in the king ; but if he will have money from
“ his subjects to maintain the wars, he must have their
“ consents ;” and though the universal consent and
common opinion heretofore hath gone accordingly :
yet they cannot admit thereof as to have been our right
(for the answer is made to the assertion concerning our
right.) And not admitting it, it seems their oaths of
allegiance and supremacy, to defend our crown and
dignity, and to assist and defend all jurisdictions, privi-
leges, and authorities belonging to us, oblige them not.
And as they do not admit this power in right to have
been in us alone for the time past, so neither will they
admit it for the time to come, in us or our successors,
to be able to resist our enemies, or protect our sub-
jects, or to make peace or war, but it must be by au-
thority from us and the two houses, and the estates of
the parliament of Scotland, respectively. They are to
be associated in these regal powers, and the sceptre and
the sword may, in pictures or statutes, but are not indeed
to be in the king’s hand alone. Upon these grounds,
we wonder not that they would have the navy and fleet
at sea to be put into the hands of their commissioners
for seven years, as the militia for the land, and after
the seven years to be commanded in such manner as
they and we should agree, and not otherwise ; for they
say, the reasons are the same for them as for the militia
by land. It is a principal means, they say, of their se-
curity ; and we cannot find they think themselves to
have any security, if we and our successors have any
power : but if we will part with our power wholly un-

to them, we and our posterity shall be fully secured by the affections of our good subjects (that is, by the lords and commons now at Westminster, who in their sense represent all the people) who by themselves during the parliament, or, when they shall please to make any recesses, by their commissioners during the intervals, will free us from the burden of the militia and of our navy, and so of protecting our subjects, and will save us the charge of our navy, because "it is to be principally maintained by the free gift of the subject out of tonnage and poundage, and other impositions upon merchandize." And having taken this care for our security (suitable to all their actions these three years last past) they say, that "for security of those who have been with us in the war, an act of oblivion is desired to be passed whereby all our subjects would have been put in one and the same condition and under the same protection, with some exceptions mentioned in the propositions." We are not willing to mention those exceptions, by which not only most of our best subjects (who have been with us in the war according to their duties) by express or general terms are excepted, but all the estates of some of them, and a great part of the estates of the rest of them, for that very cause, because they were with us in the war, are to be forfeited. As for securing them by an act of oblivion, they have less cause to desire it than they who propose it, as being more secured by the conscience of doing their duties, and the protection of the known common law of the land, if it might take place, than any protection under the two houses or their commissioners for the militia: yet we were not unwilling, for the security of all our subjects, to have assented to an act of oblivion, being willing, as much as in us lies, to have made up these breaches, and buried the memory of these unhappy divisions.

It was urged by our commissioners, that according to the literal sense of the propositions (in the powers given to the commissioners for the militia) "that sheriffs and justices of peace, and other legal ministers, could not raise the posse comitatus, or forces to suppress riots, without being liable to the interpretation of the commissioners. To this they answer, "that this

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" is no part of the militia to be exercised by the commissioners, but in executing of justice and legal process; nor can be intended to be any disturbance, but " for the preservation of the peace." We shall admit that to be their meaning; but it being by the propositions made treason in any " who shall levy any forces without authority or consent of the commissioners, to the " disturbance of the publick peace," it is apparent, that the sheriffs or justices of peace, if they raise any forces to suppress any tumultuous assembly, (which it is possible some of the commissioners may countenance) or for executing of other legal acts, may not only be liable to the interpretation of being disturbers of the publick peace, but feel the punishment of it. And whereas they say, that the power (given by the propositions to the commissioners for the militia of both kingdoms as a joint committee) " for the hearing and determining of " civil actions and differences cannot be extended further than preservation of the articles of the peace to " be made:" we conceive that a court being thereby allowed to them for the hearing and determining of civil matters for the preservation of the articles of the peace, they may in order thereunto (upon pretence it is for the preservation of the peace) entertain and determine any cause or difference they please, especially their power by the propositions being, " not only to preserve the peace, " but to prevent the violation of the articles of the " peace;" and having the power of the sword in their hands, and being not tied up to any certain law, whereby to judge, (for ought appears by their answers to the questions proposed by our commissioners) and the common law not being the rule in such case, (because part of them are to be of the Scottish nation) they may without controul exercise what arbitrary power they please.

And whereas it is insisted upon in this paper, that an answer be given to the fifteenth proposition, which is, " that the subjects be appointed to be armed, trained, " and disciplined in such manner as both houses shall " think fit;" which our commissioners thought fit to have deferred till after the peace established, and then to be settled by us and the two houses: it is apparent, that proposition concerned not (that which was desired

as the end of their propositions) the security for the observation of the articles ; and we conceive there is already sufficient provision made by the law in such cases ; and if there were not, it were fit that that defect were supplied by law, not to be left at large, as the two houses should think fit, without expressing the manner of it ; but to proceed by a bill, wherein we might see before we consented to it, how our subjects should be charged ; we being as much concerned and sensible of the burden to be put upon our subjects as the two houses can be, who, we are sure, since they took upon them the authority of imposing upon their fellow-subjects without us, have laid the heaviest impositions that ever were. And whereas they say, “ the scope of these their
“ propositions touching the militia was to take away
“ occasions of future differences, to prevent the raising
“ of arms, and to settle a firm and durable peace :” if we look upon their whole frame of the militia as they have proposed it to us, we cannot but conclude those propositions to be most destructive to those ends. For first, they have proposed it to us (as they have settled it already by their ordinance) that the whole militia of Ireland, as well of our English subjects as Scottish, shall be commanded by Lesly earl of Leven, their Scottish general, and be managed by the joint advice of the Scottish and English commissioners, and therein the Scottish as well as the English to have a negative voice, and so by consequence subjecting the whole government of that kingdom to the manage of our Scottish subjects. And (having thus ordered the militia of Ireland, where they will be sure to keep forces on foot (for that is another part of the propositions, “ that we shall assent to what-
“ soever acts shall be proposed for monies for the war of
“ Ireland”) which forces shall be ready upon all occasions to serve them) for the militia and navy of England, that is likewise to be ordered and commanded by these commissioners : and though we their sovereign are denied to nominate any to be joint-commissioners, they are content to admit those of Scotland (who, though our subjects, yet are strangers to their government) to a nomination of Scottish commissioners to be joined with them. These Scottish commissioners, in matters wherein
both

both kingdoms are jointly concerned (and they may easily call and make what they will to be of joint concernment) are to have a negative voice; so that the English can do nothing without them, not so much as to raise force to suppress a commotion or prevent an invasion, if the Scottish commissioners, though not a third part of the number of the English, say it is of joint concernment; and in matters solely concerning England, the Scottish commissioners (to a third part of the whole number of the commissioners) are to reside in England, and to vote as single persons.

These commissioners, as well Scottish as English, as they have the sole power of the forces by sea and land, so they must have a court in a civil way, to hear and determine whatsoever civil action that shall tend to the preservation of the peace, or whatsoever else is for the prevention of the violation of it: within which general words, and in order thereunto, they may comprehend any cause or thing they please. And as these commissioners, as well Scottish as English, are to name all commanders and officers in our forts and ships; so in the intervals of parliament, lest there should be too much dependance upon us, they are to name all the great officers and judges of both our kingdoms of England and Ireland. To these so unreasonable propositions, wherein the parliament and subjects of Scotland would have so great an influence and power over the kingdoms of England and Ireland, if (as reflecting merely upon ourselves, and not entertaining such thoughts of our Scottish subjects as perhaps some may by the danger of such a power) we should have agreed, as hoping that the good affections of our subjects in Scotland might in time have restored us to that power which the two houses of England would take away; yet when we consider, that we are in conscience obliged to maintain the rights of our crown so far as to be able to protect our subjects, and what jealousies and heart-burnings it might probably produce betwixt our subjects of the two kingdoms, what reluctance all our subjects here may have when they shall see our power so shaken, and they must have so much dependency upon their fellow-subjects, both English and Scotch, we conceive it so far from being a

remedy to the present distempers, (as they affirm in their papers) that as at present it would alter the whole frame and constitution of the government of this kingdom, both civil and military, so in the conclusion it would occasion the ruin and desolation of all our kingdoms.

His Majesty's answer to the two papers concerning Ireland.

IT hath been one of the chiefest designs of the authors of the present distractions, to insinuate into our people, that we were either privy to the rebellion in Ireland, or assenting to the continuance of it; and if it could not be personally fixed upon ourself, yet to persuade them into a belief that evil counsellors and others prevalent with us did encourage and assist it. By this means having a colour to raise forces, and to levy money for the supply of those forces, they might so dispose of both, as under a pretence of suppressing the rebels in Ireland, they might thereby also raise a war in England, for the effecting of their ambitious and covetous desires in both kingdoms. And they so carried on this design, that whereas out of our earnest desire of the relief of our poor subjects in Ireland, and to shew the great sense we had of their miseries, we had given way to several unusual bills for raising of forces, and likewise to the bill for the 400,000*l.* for the adventurers and others, for raising of monies (which monies by those acts were to be paid to particular persons, or otherwise out of the ordinary course, and not into our exchequer, as was usual in like cases, thence to be issued for public use) those supplies were diverted and employed to feed and nourish a rebellion in England, rather than to suppress that in Ireland. This 100,000*l.* of the adventurers money was employed for the earl of Essex's army when he first marched against us; and that employment of it, (though contrary to the express words of the act, which are, that no part of that money shall be employed to any other purpose than the reducing of those rebels) was publicly justified by a declaration made in the name of the house of commons the 6th of September, not long before the battle at Edgehill; and

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at the same battle, several regiments of horse and foot, raised for Ireland, under the command of the lord Wharton, lord of Leny, sir Faithful Fortescue, and others, were employed against us at Edgehill; the monies raised upon the bill of 400,000*l.* and others, have been wholly made use of against us. And it was impossible, without thus working themselves (under the specious pretence of suppressing the rebellion of Ireland) into the managery of that war, and misapplying the aids intended for Ireland, to have brought this kingdom into the bleeding and desperate condition, wherein it now languisheth.

The propositions concerning Ireland, as they are insisted upon by these commissioners (though in charity we shall hope not so intended by all of them) are apparently in pursuance of that original design, in begetting a suspicion of our integrity in that business of Ireland, and ingrossing the managing of that war and the power of that kingdom into their hands. They would have the cessation (which we have avowed to be assented to by us, and advised as most necessary, for the preservation of that kingdom) to tend to the utter destruction of the protestants there, and the continuance of the cessation there, (though but during the war here) to be a countenancing of that bloody rebellion; and we ourselves are charged to be privy, and to give directions for the seizing of some provisions made and sent for the supply of the protestants in Ireland. In the next place, concerning the war there, they demand that the prosecution of that war be settled in both houses of parliament, to be managed by the advice of both kingdoms of England and Scotland (that is, a committee of both kingdoms, those of each kingdom to have a negative voice) and all the forces there to be under the command of the Scotch general; the lieutenant and other great officers and judges there to be nominated by both houses; and that we should consent to pass all acts to be proposed by them for the raising of monies and other things necessary for the prosecution of that war. And notwithstanding all the zealous and pathetical expressions in those papers, desiring the continuance of that war, and the execution of justice upon those rebels;

bels; it is not barely the prosecution of the war in zeal of justice that is desired: that might be managed either by us (whom God and the law have entrusted solely with that power, and whose predecessors have alone, and without the concurrence of their parliaments, other than by competent assistance with monies, suppressed great rebellions in that kingdom) or by fit ministers to be appointed, upon just occasion to be removed by us, they have not made any the least proposition or desire to that purpose. But they insist upon such a prosecution of the war, wherein those who are in arms against us may have the sole managing of the war, and of monies to maintain that war, even while they are in arms against us. For the cessation already made, it is apparent it was the only visible means whereby the kingdom was preserved, the poor protestants there being in danger inevitably to have perished, either by famine for want of food, or by the rebels for want of ammunition, there being not above forty barrels of powder there, as appears by the letters of the lords justices and council of Ireland mentioned by our commissioners, and no supplies of victuals or money sent in six months time before those letters (though our ships were then taken away from us, and all the forces at sea belonging to this kingdom were under their command.) Neither could the not making void or declaring against that cessation have hindered a peace upon this treaty, if it had been intended really on their part, it being to expire in March, and so before the treaty could probably have been perfected, and there being no further peace or cessation made in Ireland. And therefore our commissioners did earnestly desire them to make such propositions as were fit to be consented to, for the growth of the protestant religion, and the good of that kingdom.

But instead of such propositions, they still except against the cessation, and though expiring within a month, they insist upon their demands of an act of parliament to make that cessation void; to which if we should have consented, as we must have rendered ourselves incapable of being trusted at any time after, and odious abroad in breaking that cessation, solemnly made by our public ministers of state in Ireland, and after con-
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sented unto by ourselves, so we must have implicitly confessed, contrary to the truth, that which they allege against the cessation, that it was destructive to the protestants there, and a countenancing of that bloody rebellion, and thereby having lost the plea of our innocence, have also lost the hearts of our people, and rendered ourselves guilty of those infamous slanders which which have been charged upon us concerning the Irish rebellion, and which some were so willing to fix upon us, that even during this treaty, when Macguire was impeached by them for this rebellion, for which he was by them executed (though they well knew confessions of men in his condition, in hopes of pardon or reprieves, are not to be credited) he was strictly examined concerning us (as we are credibly informed) whether or no we gave any commission to the rebels of Ireland or any assistance to them; and if he had not absolutely denied it to his last, with more sense of conscience in that particular than they who examined him expected, it is likely whatsoever untruths reflecting upon us had been forced from him, had been (as others were) published to our disgrace. And although they long questioned the credit and truth of those letters of the lords justices and council of Ireland, notwithstanding one of them being directed to the speaker of the house of commons, was received and communicated to the house, and ours was but a duplicate thereof, and copies were delivered to them of both letters, which two of their commissioners compared with our originals, and saw the names of all the council subscribers as well as the two lords justices, some of which counsellors were of principal estimation with themselves, and they might also have had copies of their names who subscribed, if they would have assured our commissioners, that such of them as should have come into their quarters should not have been prejudiced by it; yet the extremity of our poor English subjects inducing that cessation being so notorious, and that attestation thereof undeniable, they fall at last to confess and avoid them; they say, " That some who were of the council when those letters were written assure them, that those letters were " written only to press for supplies without any intention

“ tion of inducing a cessation, neither do the letters
 “ contain any mention of a cessation.” It is true,
 those letters do not, nor was it alleged they did mention
 any cessation, but they pressed for supplies from hence,
 and laid open their necessities to be such, that it was
 apparent to any man (as we had also private advices from
 some of the council there, and of credit with those at
 Westminster) that if supplies failed, there was no way
 for the preservation of our good subjects there but by
 a cessation. And these bleeding wants of our army and
 good subjects there so earnestly calling for relief, and
 (this kingdom being then engaged in the height of an un-
 natural war) ourselves unable to supply them, and no
 timely supply nor hopes of it coming from the two house-
 es, what course less dishonourable for us, or more for the
 good and safety of the poor English there, could be ta-
 ken, than to admit of a treaty for a cessation, which
 was managed by our public ministers of state there, and
 that cessation assented unto as best for that kingdom by
 the chief officers of the army and the lords justices and
 council of Ireland, before our approbation thereof?

They say, “ that those necessities were made by a de-
 “ sign of the popish and prelatical party,” (the prelatic-
 al party must come in upon all turns, though none
 suffered more by the Irish rebellion, nor were less ad-
 vantaged by the cessation, than those poor prelates)
 “ and that at this very time when the protestants were
 “ in such extremity, provisions sent thither by the par-
 “ liament for their relief were disposed of and afforded
 “ to the rebels.” The letters of the lords justices
 and council tells us, that no provisions at all were sent
 by the parliament, and if they had not told it, yet this
 being barely affirmed, might as easily be denied, unless
 they had instanced in particular what provisions were
 sent, and how, and when, and by whom, or to whom
 they were disposed. But they say, “ that at the same
 “ time the officers of the army and garrisons, pressing
 “ for leave to march into the enemies country to live
 “ upon them, and save their own stores; some could
 “ not obtain leave to go, and those who were drawn
 “ forth, had great quantities of provisions out with
 “ them, yet were not permitted to go into the enemy’s
 “ country,

“ country, but kept near Dublin till their provisions were spent, and then commanded back again.” They might remember, at that time (wherein they suppose this miscarriage) the chief manage of those affairs was in the hands of such ministers of state, whom they did and do still rely upon ; but sure those ministers are not to be blamed, if they durst not suffer the soldiers to march far, or stay long in the enemy’s country, when there was but forty barrels of powder in all the store, or if they called them back in such case when the enemy approached.

Let such as these, or what other pretences and excuses soever, be made for not relieving Ireland, we are sure the chief impediment to it was their active promoting this rebellion in England ; and therefore, as they made use of the supplies, both of men and money, provided for that kingdom against us at Edgehill ; so from the time of that battle (some supplies sent before (which else perhaps had been also countermanded) arriving in Ireland about the time, or shortly after the battle) they were so careful of recruiting and supplying their armies here, that though they received much monies for Ireland, and had at their disposal great store of our ammunition, neither the one nor the other was ever after afforded to the English army and forces, or to the protestants about Dublin, though the cessation was not made till September following. As for those protestants in Munster, Connaught, and Ulster, who, they say, “ opposed the cessation, and did and do still sub-
“ sist,” they were most of them of our Scotch subjects; the rest (excepting some few wrought upon by private interest or particular solicitation) were such, who being under their power, were forced for their relief to concur with them against it. These, indeed, as they did not suffer under so great wants as the English at the time of the cessation, as is well known, though it seem to be denied, more special provisions being made for them and for their garrisons than for the English, (as doth in great part appear even by the articles of their treaty of the sixth of August) so they have since subsisted by supplies sent from the two houses, whereof none were suffered to partake but such as take their new covenant, and doubly break the bonds of their obedience and duty,

duty, both by taking that dangerous ensnaring oath prohibited by God and their king, and opposing our ministers of state there, without whose authority (a cessation being concluded) during that cessation they ought not to have continued a war in that kingdom. We easily believe the provisions they mention are or may be sent for supply of those forces, as being a means to keep up a party against us there, and to have a reserve of an army ready upon any accidents of war to be drawn hither against us; and being also necessary for the satisfaction of our Scottish subjects (whom they must please) who would not be so forward in their service without some good assurance (such as is the having an army of theirs kept on foot in Ireland at the charge of this kingdom, and two of our strongest towns and castles there delivered to them cautionary towns, as we may believe Berwick also is (being denied the sight of that treaty) and by the command of all the English forces there by the general of the Scots) that they shall be well paid the arrears to the armies in both kingdoms before they quit their interest in Ireland. If we shall allow provisions thus employed to be for the preservation of the English protestants in Ireland, we may believe they have repaid the 100,000 l. taken up of the adventurers money; and yet thus to re-satisfy this money, admitting it be current satisfaction for the debt, can be no satisfaction or excuse for the former diversion.

But since they cannot excuse themselves for this diversion of the adventurers money, nor of the other monies raised for Ireland, nor of the employing the forces raised for that kingdom under the command of the lord Wharton against us at Edge-hill, which they deny not; they fall to recriminate us. They say, they have mentioned particulars of provisions for Ireland, (besides those few cloaths taken near Coventry, which being formerly answered by our commissioners, they do not again urge) "asserted to be seized not without our own knowledge and directions, as they were informed." This they had formerly alleged, and our commissioners had answered (as we do now) that they have instanced no particulars at all of any such provisions seized. And whereas they say, that our forbearance

ance to seize some provisions (which our commissioners alleged in our greatest wants we forbore to take, though they lay in magazines within our own quarters, but took order to send away into Ireland), was no excuse for seizing others; they misapply that to be an excuse, which was alleged as an evidence that we seized none, since we might in our great want have seized those, if we had been minded to have seized any. They say again, "the service of that kingdom was much prejudiced by denying the lord Wharton's commission, of which they have not received satisfaction." To this it hath been already answered, that those forces were raised for him before any commission demanded from us, and that the commission for him proposed to us was, to have been independent of the lieutenant of that kingdom; causes (though not satisfactory to them, yet) sufficient in themselves to justify our refusal. But besides these, it is apparent the army which was brought down against us was then raising, that the lord Wharton was one of the most active in it; and we had cause to be confident (nor did he fail us therein) that what forces he should raise for Ireland he would employ against us in England; neither did that service depend upon the lord Wharton, other able officers were appointed over those forces, whom, (if they had as much affected that service as the person of the lord Wharton) they might have trusted with the transport of them to Ireland, where others of more experience and fitter for conduct than the lord Wharton might have taken the charge of them. They say further, that it was "one end for which the cessation was made, that the forces might be brought hither to us out of Ireland, and employed against the two houses." The bleeding necessities of the poor English there (which have been mentioned, and whereof they cannot but be convinced) will best speak the cause of that cessation; and the sight of those soldiers half starved when they came over, having neither cloaths to their backs, nor so much as shoes to their feet, nor any pay to provide either, will witness the necessity of bringing them over, when there was no subsistence for them in Ireland, nor use for them there during the cessation. And for making use of them here, how can they quar-
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rel at our employing our own English soldiers, who should otherwise have disbanded, when they make use of an army of Scots against us? They have been told that they brought over out of Ireland the earl of Leven, their general; and divers Scottish officers, (which they deny not;) and that before the English forces brought over, they attempted the bringing once the Scottish forces in Ireland, as likewise divers English officers there, into this kingdom: to which all the answer given is, that "the Scottish forces which came over were not sent for." Which as it denies not what is objected, so neither can it excuse their not sending them back to the service of Ireland, and employing them here in an unnatural rebellion against us.

But whatsoever their own acts or failings have been in this business of Ireland, and though apparently the necessities which caused the cessation were occasioned by the two houses, yet rather than they shall be guilty of the blame and neglect therein, our people must be made to believe that either there were no such necessities, or when that is so apparent, then that those necessities were designed and contrived by a popish and prelatical party prevalent with us, and the supplies denied and stopped by ourself, and that it is so reasonable for them to press and insist (as they do with much fervour in their last paper concerning Ireland) upon their demands for the settling of the prosecution of the war in themselves or the Scots, excluding us, and that there shall be no further cessation or peace made there (though the war should continue here); to have the nomination of the lieutenant and all the great officers there; and to have us bound up to assent to whatsoever acts they shall propose for monies or other necessities for the prosecution of that war; and if we agree not to these propositions, we are like to be charged with "countenancing of that bloody rebellion." And therefore, though the unreasonableness of those propositions hath been fully laid open by our commissioners in their paper, yet because this of theirs is framed in answer to those, and the fervency and fluency of their expressions may make impressions on those who not warily weigh the matter, we shall examine what new reinforcements they
bring

bring to make good those demands. The prosecution of the war there, though it be demanded (generally) in the 13th proposition, to be settled in both houses of the parliament of England, to be managed by the joint advice of both kingdoms; yet according to their 17th proposition it is to be ordered according to the ordinance of the 11th of April 1644, which is also proposed to be enacted. By that ordinance the Scottish general Leven is to command all the forces in Ireland, both English and Scottish, and that war is to be managed by a joint committee, to be named by the two houses of England and the estates of the parliament of Scotland; and the committees of each kingdom is to have a negative voice. They insisting to have the prosecution of the war thus settled, our commissioners answered, "That this was in effect to deliver the kingdom of Ireland into the hands of our subjects of Scotland, and neither agreeable to the rules of honour or prudence." That it was unreasonable, if the war continued here, that we by our consent to act of parliament for the managing of that war, and raising monies for that purpose should put so great power into their hands, who during these troubles may turn that power against us. And lastly, that if the distractions continued here, the forces and wealth of this kingdom would be so employed at home, that the prosecution of that war to the subduing of the rebels was impossible, but probably might be the destruction of the remainder of our good subjects. For the power given to our Scottish subjects in that kingdom, our commissioners urged, that general Leven being to command all the forces in Ireland, and the committee of Scotland having a negative voice, upon difference of opinion that war must either stand still to the ruin of our subjects there, or be carried as the earl of Leven pleased, whose power was not bounded by any reference to us or our lieutenant of Ireland, no nor to the houses of England. And though it had been answered, that in cases of disagreement betwixt the committee, the two houses might prosecute the war, observing the treaty of the 6th of August, and the ordinance of the 11th of April; yet by referring to that ordinance, (which is desired to be enacted)

enacted) and by that ordinance the power being thereby put into the earl of Leven and that committee without mention of the two houses, it was apparent the earl of Leven would not be bound to observe the directions of the houses of England by themselves.

But they reply in this last paper of theirs, "That as the ordinance of the 11th of April 1644. so the treaty of the 6th of August 1642, is desired to be confirmed, by which the commander of the Scottish forces in Ireland was to be answerable to us and the two houses of the parliament of England for his whole deportment." But this is apparently no answer at all: for this treaty of the 6th of August binds not the committee who are to manage that war, and relates to the Scottish general as general of the Scots only; the other of April 1644, being later in time, giving him power also as commander in chief over the English forces in Ireland; and according to this letter he is to receive his orders from the committee, without reference to us or the two houses, neither can the two houses be hereby brought in to have command over this Scottish general or committee more than ourselves, whom they intend wholly to exclude. Yet we cannot but observe even upon these articles of the treaty of the 6th of August, how little cause there is to expect this Scottish general will manage that war for the good of this kingdom, who being by those articles to be answerable to us as well as to the two houses (for then, though the same design was on foot, yet their outward pretences were somewhat more modest than now they are) did without directions from us leave his charge in Ireland, to bring an army into England against us. Well, they say at last, they had (by the 13th proposition) desired the prosecution of the war to be settled in the two houses, and so taking all together, that the earl of Leven cannot manage that war according to his own discretion: but we must remember them, the proposition is not barely to settle the prosecution of the war in the two houses, but to settle it in the two houses to be managed by the joint advice of both kingdoms, and that joint advice is by a joint committee, according to the ordinance of the 11th of April, in which committee they confess those

those of Scotland have a negative voice, and by the last part of the 17th proposition, the war of Ireland is to be ordered according to that ordinance.

But they say, "The Scottish commander is to receive orders from the lieutenant of Ireland, if a lord lieutenant shall be chosen by the two houses" (for a lieutenant nominated by us is not allowed by them to give orders to the Scottish general.) This indeed (though not warranted by their propositions, upon which nevertheless they insist) yet being admitted in this latitude might seem to give some power to the two houses over the Scotch general in the manage of the war, as giving the lieutenant such a power, and by consequence the two houses, who have power over this lieutenant. But they say not generally, that he shall receive instructions from the lieutenant, "but that he shall receive instructions from the lieutenant in such manner as they have set down in their paper of the 20th of February, that is, when it shall be necessary for the good of that service that he and the commander in chief of the Scottish army join:" but how shall it be for the service that he join with him, when he shall command no forces with which he may join, the Scotch general being by the ordinance of the 11th of April to command all the forces whatsoever in Ireland? But admit them to have joined; then the Scotch general is to receive instructions from the lieutenant, according to the orders which shall be given by the commissioners of both kingdoms, so, and no otherwise. Still the case is the same: the Scottish general is not bound to obey any orders but such as shall come mediately or immediately from the committee of both kingdoms. And (whatsoever evasions and disguises are made to cover it from our peoples eyes) the Scottish committee being an equal number, and having an equal share in the counsels, and their general having the command of all the forces; it is apparent, the whole power over that kingdom is in effect to be transferred to them.

But should we admit that these propositions did not give so great power in Ireland to our subjects of Scotland, yet how should it be imagined that we should put the prosecution of this war in the two houses in such

manner as is insisted on by them, so long as they maintain a rebellion against us in this kingdom? it is not denied but by their authority divers forces raised, and the monies levied for Ireland, were employed against us in England; and upon the same pretences that they made use of those aids (because, as they allege in their declaration upon that subject, that the subsistence of Ireland depended upon their welfare here) they may still make use of such power as shall be given them for the manage of that war, and raising monies for that purpose, against us in England. Neither if a peace should be concluded here, could we assent that the prosecution of the war should be settled in the two houses, excluding ourselves, as they intend it by those words, "The king not to molest them therein." Queen Elizabeth managed the war in Ireland solely, when the two houses were sitting, and excluded them. Tho' we insist not upon that example, we should be wanting to the trust we have received from God, and that care of our subjects which lies upon us (and of which we are to give him an account) to exclude ourself. They themselves know, great bodies are not so fit to carry on the war as a few; and therefore they have in a manner given up their power in this unhappy war at home to their state-committee, whose resolutions are rather brought to them for countenance and execution, than for debate and deliberation.

They tell us, The parliament of England is a faithful council to us, and that we have trusted them with the prosecution of that war, and they faithfully discharged their parts in it. We wish, though we are willing to be silent in it, that yet the ruins and desolations of this kingdom would not speak to posterity what counsellors those are who have divested us of our revenue, arms, ships, power, and even the security of our person, who have armed our subjects here, who have brought in the Scots into this kingdom, to the tearing up the bowels of it, who have infamously libelled against us and our consort, who have threatened to depose us, and impeached her of treason, and who those are who have denied peace to this miserable kingdom, unless we would consent to their unreasonable destructive propositions

positions, overturning the whole frame of government both in church and state. They say, and it is true, "we trusted them with the prosecution of that war:" and how faithfully they discharged it, we will not again repeat; but we never trusted them so as to exclude ourselves, as they now suppose; and if we had relied more on the judgments and advice of our privy council, and less on theirs, neither that nor this kingdom had been in the condition they now are. It was their interposition and advice which hindered the transportation of the army of Irish natives out of that kingdom into Spain (even to our disreputation abroad, who had agreed with the Spanish ambassador to send them over, and he, in confidence of our performance, had disbursed money for their transport:) and had they been transported (their stay as it provoked them, so it emboldening and strengthening the other Irish) we are confident the flames of that rebellion would never have broken forth at all, or at most have been so small as might suddenly have been extinguished. It was their advice that staid our going over thither in person, which probably might have stopped the rage of that war, and, by the blessing of God, would have saved the effusion of much blood which was since shed in that kingdom. It was their unseasonable declarations at the beginning of the rebellion (before the old English and other papists had engaged themselves with the rebels of Ulster) of making it a war of religion, and against that connivance which had been used in that kingdom ever since the reformation, and tending to make it a national quarrel, and to eradicate the whole stock of the Irish (which they now pursue by giving no quarter to those few of that nation in England who never were in that rebellion, but according to their duty assist us their sovereign) which made the rebellion so general; whereas otherwise the old English, as in former times (though papists) would have joined against those rebels. When we had offered in December 1641, that 10,000 volunteers should be raised presently in England for the service of Ireland, if the house of commons would declare they would pay them; instead thereof, in January following propositions were made for the transporting

the Scots into Ireland, and we were advised by the two houses, to give the command and keeping of the town and castle of Carickfergus to the Scottish, who were to be transported thither, and paid by this kingdom : to which we returned answer, " that we did not approve " the same, as prejudicial to the crown of England and " the service intended, and implying too great trust " for auxiliary forces;" yet afterwards, because we perceived the insisting upon it would breed a great delay in the necessary supply of that kingdom, we did admit of the advice of the parliament in that particular, (and since, by the articles of the sixth of August 1642, which though said to be made by commissioners authorized by us and the parliament of England, we never were made acquainted with them, till upon this treaty almost three years after, both the towns and castles of Carickfergus and Colrane are left with them as cautionary.) The consequence whereof was such, that though the service of Ireland was little advanced, or the poor English protestants relieved by it, and this kingdom drained to pay those (whose great arrears growing upon that agreement must be paid out of lands in Ireland where they have so good footing already, or of our good subjects in England, according to their other propositions) by this means the Scottish having an army there, under colour of supplying them, our arms and ammunition were sent into Scotland for the supply of another army to be brought into England; and the countenance of that army in Ireland, as it gave encouragement to some of our Scottish subjects, so it overawed others, and was a means, without any the least provocation to those our ungrateful subjects, of bringing of another army into this kingdom, where they still remain, to the utter ruin of many of our good subjects, and the probable destruction of the whole kingdom. And lastly, it was upon their advice, in February 1641, shortly after those propositions tendered for transporting the Scots into Ireland, that we agreed, that the rebels lands should be shared amongst the adventurers, and the rebels to have no pardons; though we then expressly declared, " we did it merely relying upon their wisdom, without further examining," (what we in our particular

particular judgment were persuaded) “whether that
“course might not retard the reducing of that kingdom,
“by exasperating the rebels, and rendering them des-
“perate of being received into grace if they should
“return to their obedience.” And it is most apparent
that those propositions, and the act drawn upon them,
wherein also a further clause (not observed by us, but
passed, as conceiving that act had wholly pursued the
propositions) was inserted, “that every person who
“should make, enter into, or take any compact, bond,
“covenant, oath, promise, or agreement, to introduce
“or bring into the said realm of Ireland the authority
“of the see of Rome in any case whatsoever, or to
“maintain or defend the same, should forfeit his lands
“and goods,” (as in case of rebellion) were great causes
not only of provoking, but increasing and encouraging
the rebels; who having no pretence before for that hor-
rid rebellion, had now some colour to make it a matter
of religion, and so to make their application to foreign
princes, and to negotiate with them for delivering that
kingdom into their hands. We profess our aversion
from their religion, and hatred to their rebellion: but
though we think them worse christians because they are
rebels, we think them not worse rebels because they are
papists: a protestant rebel in the same degree of rebel-
lion hath far more to answer, as having more light, and
it being more expressly against the religion he professeth,
whereof it hath heretofore been a maxim (though it
be now taken for apocryphal doctrine) “not to take up
“arms against their prince upon any pretence whatso-
“ever.” And as we have endeavoured by our personal
example and otherwise, so we shall still continue by all
good means to propagate the protestant religion: but
we are far from that Mahumetan doctrine, that we
ought to propagate our religion by the sword. And
tho’ we shall be most willing to hearken to the advice of
our people assembled in a free parliament: yet we should
be wanting to the trust that God hath reposed in us,
and our use of that reason with which he hath endued
us, if we should wholly give up that kingdom to be
managed solely by their councils, secluding ourselves
from all interest therein, especially when we consider

that which experience hath taught us, if they have the sole power of that war (by which all the soldiers and commanders being to be nominated and paid, removed and advanced by them, the necessary application (passing by us) must be made to such as are powerful with them) how easy a matter it will be for a prevalent faction (if they shall have a mind to demand other things hereafter not fit to be granted) again to bring over an army raised and paid by them, into this kingdom, especially so much composed of our Scottish subjects. And whereas they desire further the nomination of the lord lieutenant and other great officers and judges in that kingdom, (which they also desire in this of England) they cannot but know, that it must of necessity take away all dependency upon us and application to us, when the power to reward those who are worthy of publick trust shall be transferred to others, and having neither force left us to punish, nor power to reward, we shall be in effect a titular contemptible prince. We shall leave all our ministers to the known laws of the land, to be tried and punished according to those laws if they shall offend; but we cannot consent to put so great a trust and power out of us; and we have just cause to conceive, that notwithstanding all their specious pretences, this desire of nomination of those great officers is but a cloke to cover the ambition of those, who, having been the boute-fus of this rebellion, desire to advance themselves and their own faction. And to that which is said, that our "bad choice of our lieutenants of Ireland was
" the loss of many thousand lives there, and almost of
" the whole kingdom from our obedience:" they cannot but witness who know that kingdom, that during the government there by lieutenants of our choice, that kingdom enjoyed more plenty and peace than it ever had since it was under subjection to the crown of England; traffick by sea and trade by land encreased, values of land improved, shipping multiplied beyond belief; never was the protestant religion more advanced, nor the protestant protected in greater security against the papists. And we must remember them, that that rebellion was begun when there was no lieutenant there, and when the power and government which had been formerly

merly used in that kingdom was questioned and disgraced, when those in the parliament there, by whom that rebellion was hatched, were countenanced in their complaints and prosecution.

But they are not content to demand all the power over Ireland, and the nomination of all officers, but we must also engage ourself to pass such acts as shall be presented to us for raising of monies and other necessities for that war. Our former readiness to pass acts for Ireland, because they were advised by the two houses (when they were apparently prejudicial to ourself, and contrary to our own judgment) might sufficiently satisfy them we would make no difficulty to consent to such acts as should be for the good of that kingdom; but they have been already told it was unreasonable to make a general engagement, before we saw the acts whether reasonable or no, and whether "those other necessities may not in truth comprehend what is not only "unnecessary, but very inconvenient." But the people, they say, "who have trusted them with their purse, "will never begrudge what they make them lay out "upon that occasion." The two houses indeed were entrusted that our subjects should not be charged without them, but they never were solely trusted by our subjects with a power to charge them; the care that no pressure in that or any other kind should be upon our subjects is principally in us, without whose consent (notwithstanding the late contrary and unexampled practice) no such charge can or ought to be levied, and we ought not to give that consent but where it is visibly for the good of our kingdoms; which upon such an unbounded power of raising monies may fall out otherwise, especially in so unusual a case as this, where those who must have the sole manage of the war shall have the sole command of the purse, without any check or controul upon them. But they say again, "we have heretofore been possessed against the parliament, for not "giving away the money of the subject when we had "desired it, but never yet did we restrain them from "it." It is true, we had no great cause heretofore to restrain the two houses from giving the subjects money to us, having found more difficulty to obtain from

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them.

them three or four subsidies, than they have met with in raising so many millions. But our people cannot think themselves well dealt with by us, if we shall consent to put an unlimited power of raising what monies they please in those persons, who have drained more wealth from them in four years than we believe all the supplies given to the crown in four hundred years before have amounted unto.

In the last place, we wish every man to consider how the rebels in Ireland can be reduced by war, whilst these unhappy distractions continue here, whilst contrary forces and armies are raised in most parts of this kingdom, and the blood of our people is spilt like water upon the ground, whilst the kingdom is wasted by soldiers, and the people exhausted by maintaining them, and (as if this kingdom were not sufficient to destroy itself) whilst an army of Scots is brought into the bowels of this kingdom, and maintained at the charge of it; whilst this kingdom labours under such a war, how is it possible that a considerable supply of men or money can be sent into Ireland?

To this, with much fervour of expression, they say,
 “ It must not depend upon the condition of our other
 “ kingdoms to revenge God’s quarrel upon such per-
 “ fidious enemies to the gospel of Christ, who have
 “ embroiled their hands in so much protestant blood;
 “ that the cessation is for their advantage; arms and
 “ ammunition, and all manner of commodities may be
 “ brought to them; that it is not fit there be any agree-
 “ ment of peace or respite from hostility with such
 “ creatures as are not fit to live, more than with wolves
 “ or tigers, or any ravenous beasts, destroyers of man-
 “ kind.” We are most sensible of the blood and horror of that rebellion, and would be glad that either a peace in this kingdom or any other expedient might furnish us with means and power to do justice upon it. If this cannot be, we must not desperately expose our good subjects to their butchery without means or possibility of protection. God will in his due time revenge his own quarrel: in the mean time his gospel gives us leave in case of war, to sit down, and cast up the cost, and estimate our power to go through with it; and in such
 case

case, where prudence adviseth, it is lawful to propose conditions of peace, though the war otherwise might justly be pursued. And surely, as a cessation in Ireland may be some advantage to the rebels, as all cessations in their nature are to both parts, they having thereby time and liberty to procure arms and ammunition to be brought to them: so it is not only for the advantage, but necessary preservation of our good subjects there, whose bleeding dangers call for our bowels of charity and compassion, by suspending the rage of the adversary by this cessation, till means may be found to turn their hearts, or to disable their malice from pursuing their cruelty, to the utter ruin of that remainder of our good subjects there; it being more acceptable to God and man to preserve a few good men from destruction, than to destroy a multitude, though in the way of justice: and perhaps a cessation may bring some of those rebels to reflect upon their offences, and to return to their duty: all are not in the same degree of guilt; all were not authors of, nor consenting to, the cruelties committed; some were enforced to comply with, or not to resist their proceedings; some were seduced upon a belief the nation was designed to be eradicated, and the war not against the rebellion only, but their religion. The war destroys all alike without distinction, (even innocent children have suffered, not by the rebels only) and all are not tigers or wolves; there may be grounds of mercy to some, though no severity be excessive towards others. However, we cannot desire the destruction even of the worst of those Irish rebels, so much as we do the preservation of the poor English remaining there; but should make choice rather to save the rebels for preserving the lives of those poor protestants, than destroy them to ruin the rebels. And therefore exceeding strange it is to us, and we are sorry to find, that any Englishmen (who have seen this their native country heretofore (even in our time) flourishing beyond most of the kingdoms and churches in the world, and now most hideous and deformed, weltering in the blood of her own children, and, if this war continue, like to be a perpetual spectacle of desolation,) should express, that “they desire war in Ireland as much as

"they do peace here," no more valuing the sparing of English blood here, than they do the effusion of the blood of the rebels in Ireland. They say, indeed, "they are willing to lay out their estates and lives both for the war in Ireland and peace in this kingdom;" but withal they say, "they have made propositions for both, if our commissioners would agree to them." These are the conditions they offer, neither peace is to be had here without agreeing to their propositions, nor that war in Ireland to be managed, but according to those propositions; such propositions as apparently tend to the ruin of the church, to the subversion of all our power, to the setting up a new frame of popular government, to the destruction of our loyal and true-hearted subjects; propositions which associate our subjects of Scotland in their councils and power, and invest them in a great share of the government and wealth of this kingdom, and render both the wealth and power of Ireland to be at their command. These propositions they insist upon, and for the obtaining these they are resolved to engage the lives and estates of our poor people in this unnatural rebellion. But we trust God Almighty will open the eyes and the hearts of our people, not to assist them any longer against us in the shedding innocent blood in this war. And we cast ourselves on him, waiting his good time for the restoring the peace of our kingdoms, and our deliverance from these troubles, which at length we are assured he will give unto us.

HIS MAJESTY'S SPEECHES to the pretended *High Court of Justice*: with the History of his TRIAL, Jan. 1648-9.

Westminster-Hall, Jan. 20.

ON Saturday the twentieth of January, afternoon, Serjeant John Bradshaw, president of the pretended court, with about fifty seven of his fellow-commissioners, came into Westminster-Hall, having sixteen men with partisans, and their officers, with a sword and mace, marching before them; (thus profaning the name, the place, and the ensigns of justice, in the perpetration of the most enormous and unexampled villany :) and at the west end of the hall, pre-

prepared for their purpose, Bradshaw seate himself in a crimson-velvet chair in the midst, having a desk with a crimson-velvet cushion before him and at his feet a table covered with a turkey carpet, whereon the sword and mace were laid; the rest were placed on each side upon benches hung with scarlet, and the partisans divided themselves on each hand before them. Being thus set, and silence made, the great gate of the hall was set open, and all persons promiscuously let in, so that the hall was presently filled, and silence again ordered. Then Colonel Matthew Tomlinson was commanded to bring the prisoner (their king) into the court: which he did, within a quarter of an hour, with about twenty officers with partisans marching before him, and others behind. Their serjeant at arms with his mace received him, and brought him to the bar, where a crimson-velvet chair was set. His Majesty, with an unconcerned look upon his pretended judges and the people in the galleries on each side, sat down without taking notice of their court, but presently rose up again, and turned about, looking down upon the guards placed upon the left side, and the multitude of spectators on the right side of the hall. After silence made, the pretended act for his trial was read by their clerk, sitting at the side of the table where the sword and the mace lay.

An Act of Parliament of the House of Commons, for Trial of Charles Stuart King of England.

WHereas it is notorious that Charles Stuart, the now King of England, not content with the many incroachments which his predecessors had made upon the People in their Rights and Freedom, hath had a wicked design to subvert the antient and fundamental laws and liberties of this Nation, and in their place to introduce an arbitrary and tyrannical government; and that besides all evil ways to bring his design to pass, he hath prosecuted it with fire and sword, levied and maintained a civil war in the land against the parliament and kingdom, whereby this country hath been miserably wasted, the public treasure exhausted, trade decayed, thousands of people murdered, and infinite other mischiefs committed; for all which high offences the said Charles Stuart might long since have been brought to exemplary and condign punishment.

Whereas also the Parliament, well hoping that the restraint and imprisonment of his person, after it had pleased God to deliver him into their hands, would have quieted the distempers of the kingdom, did forbear to proceed judicially against him; but found by sad experience, that such their remissness served only to encourage him and his complices in the continuance of their evil practices, and in raising new commotions, rebellions, and invasions:

For prevention of the like and greater inconveniences, and to the end no Chief Officer or Magistrate may hereafter presume traitorously and maliciously to imagine or contrive the enslaving or destroying of the English Nation, and to expect impunity. *Be it Enacted and Ordained by the Commons in this present Parliament assembled, and it is hereby enacted and ordained, that Thomas Lord Fairfax, General, Oliver Cromwell, Lieutenant-General, Commissary General Henry Ireton, Major General Philip Skippon, Sir Hardresse Wal-*

ler, Colonel *Valentine Walton*, Colonel *Thomas Harrison*, Colonel *Edward Whaley*, Colonel *Thomas Pride*, Colonel *Isaac Ewer*, Colonel *Richard Ingoldsby*, Sir *Henry Mildmay*, Sir *Thomas Honeywood*, *Thomas Lord Grey*, *Philip Lord Lisle*, *William Lord Mounson*, Sir *John Danvers*, Sir *Thomas Makverer*, Sir *John Bouchier*, Sir *James Harrington*, Sir *William Brereton*, *Robert Wallop Esq*; *William Heveningham Esquire*, *Isaac Pennington Alderman*, *Thomas Atkins Alderman*, Colonel *Roland Wilson*, Sir *Peter Wentworth*, Colonel *Henry Maisten*, Colonel *William Purefoy*, Colonel *Godfrey Bosvile*, *John Trenchard Esquire*, Colonel *Herbert Morley*, Colonel *John Berkestead*, Colonel *Matthew Tomlinson*, *John Blakeston Esquire*, *Gilbert Millington Esquire*, Sir *William Constable*, Colonel *Edward Ludlow*, Colonel *John Lambert*, Colonel *John Hutchinson*, Sir *Arthur Heslrigg*, Sir *Michael Livesey*, *Richard Salway Esquire*, *Humphrey Salway Esq*; Colonel *Robert Tichburne*, Colonel *Owen Roe*, Colonel *Robert Manwaring*, Colonel *Robert Lilborn*, Colonel *Adrian Scroope*, Colonel *Richard Dean*, Colonel *John Okey*, Colonel *Robert Overtun*, Colonel *John Harrison*, Colonel *John Disborough*, Colonel *William Goffe*, Colonel *Robert Duckenfield*, *Cornelius Holland Esq*; *John Carew Esquire*, Sir *William Armyne*, *John Jones Esquire*, *Miles Corbet Esquire*, *Francis Allen Esq*; *Thomas Lister Esq*; *Benjamin Weston Esquire*, *Peregrine Pelham Esquire*, *John Gourdon Esquire*, *Serjeant Francis Thorp*, *John Nutt Esquire*, *Thomas Chalonier Esquire*, Colonel *Algernon Sidney*, *John Anlaby Esquire*, Colonel *John Moore*, *Rich. Darley Esquire*, *William Say Esquire*, *John Aldred Esquire*, *John Fagge Esquire*, *James Nelthrop Esquire*, Sir *William Roberts*, Colonel *Francis Lassels*, Colonel *Alexander Rigby*, *Henry Smith Esq*; *Edmond Wilde Esquire*, *James Chalonier Esquire*, *Josias Barners Esquire*, *Dennis Bond Esquire*, *Humphry Edwards Esquire*, *Gregory Clement Esquire*, *John Fry Esq*; *Thomas Wogan Esquire*, Sir *Gregory Norton*, *Serjeant John Bradshaw*, Colonel *Edmond Harvey*, *John Dove*, *Esquire*, Colonel *John Venne*, *John Faulk Alderman*, *Thomas Scot Esquire*, *Thomas Andrews Alderman*, *William Cowley Esquire*, *Abraham Burrell Esquire*, Colonel *Anthony Stapely*, *Roger Gratwicke Esquire*, *John Downes Esquire*, Colonel *Thomas Horton*, Colonel *Thomas Hammond*, Colonel *George Fenwick*, *Serjeant Robert Nichols*, *Robert Reynolds Esquire*, *John Lisle Esquire*, *Nicholas Love Esquire*, *Vincent Potter*, Sir *Gilbert Pickering*, *John Weaver Esquire*, *John Lenthal Esquire*, Sir *Edward Baynton*, *John Corbet Esquire*, *Thomas Blunt Esquire*, *Thomas Boone Esquire*, *Augustine Garland Esquire*, *Augustine Skinner Esquire*, *John Dixwell Esquire*, Colonel *George Fleetwood*, *Simon Maine Esquire*, Colonel *James Temple*, Colonel *Peter Temple*, *Daniel Blagrave Esquire*, Sir *Peter Temple*, Colonel *Thomas Waite*, *John Brown Esquire*, *John Lowrey Esquire*, shall be, and are hereby appointed, Commissioners and Judges for the Hearing, Trying, and Judging of the said *Charles Stuart*: And the said Commissioners, or any twenty or more of them, shall be, and are hereby authorized and constituted, an High Court of Justice, to meet at such convenient times and places as by the said Commissioners, or the major part, or twenty or more of them, under their hands and seals shall be appointed, and notified by publick Proclamation in the great Hall or Palace-yard of *Westminster*; and

and to adjourn from time to time, and from place to place, as the said high court or the major part thereof meeting shall hold fit; and take order for the charging him, the said *Charles Stuart*, with the crimes above-mentioned, and for receiving his personal answer thereunto, and for examination of witnesses upon oath (if need be) concerning the same; and thereupon, or in default of such answer, to proceed to final sentence, according to justice and the merit of the cause, to be executed speedily and impartially.

And the said court is hereby authorized and required to choose and appoint all such officers, attendants, and other circumstances, as they or the major part of them shall in any sort judge necessary or useful for the orderly and good managing of the premises; and *Thomas Lord Fairfax*, the General, with all Officers of Justice, and other well-affected persons, are hereby authorized and required to be aiding and assisting unto the said Commissioners in the due execution of the trust hereby committed unto them. Provided that this ordinance, and the authority hereby granted, do continue for the space of one month from the date of the making hereof, and no longer.

After the reading of this, the several names of the commissioners were called over; every one who was present rising up, and answering to his call. The king having again placed himself in the chair, with his face towards the commissioners, silence was again ordered, and Bradshaw, with impudence befitting his person and his place, stood up and said,

Charles Stuart, king of England, the commons of England assembled in parliament being deeply sensible of the calamities that have been brought upon this nation, which is fixed upon you as the principal author of it, have resolved to make inquisition for blood; and according to that debt and duty they owe to justice, to God, the kingdom, and themselves, and according to the fundamental power, that rests in themselves, they have resolved to bring you to trial and judgment, and for that purpose have constituted this high court of justice, before which you are brought.

Then their solicitor John Cook, standing within a bar on the right hand began; My Lord, in behalf of the commons of England, and all the people thereof, I do accuse Charles Stuart, here present, of high treason and high misdemeanors; and I do, in the name of the commons of England, desire the charge may be read unto him.

As he was speaking the king held up his staff, and laying it on his shoulders two or three times, bid him, Hold a little. But Bradshaw ordered him to go on; and the charge being delivered to their clerk, Bradshaw told the king, Sir, the court commands the charge to be read: if you have any thing to say, afterwards you may be heard. Then the clerk being ordered to read, began,

The Charge of the Commons of England against Charles Stuart King of England, of high treason and other high crimes, exhibited to the high court of justice.

THAT the said CHARLES STUART being admitted King of England, and therein trusted with a limited power, to govern by and according to the laws of the land, and not otherwise, and by his
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trust, oath and office, being obliged to use the power committed to him, for the good and benefit of the people, and for the preservation of their rights and liberties; yet nevertheless, out of a wicked *design* to erect and uphold in himself an unlimited and tyrannical power, to rule according to his *will*, and to overthrow the rights and liberties of the people, yea, to take away and make void the foundations thereof, and of all redress and remedy of mis-government, which by the fundamental constitutions of this kingdom were reserved on the people's behalf in the right and power of frequent and successive parliaments, or national meetings in council; he, the said Charles Stuart, for accomplishment of such his designs, and for the protecting himself and his adherents in his and their wicked practices to the same ends, hath traitorously and maliciously levied war against the present parliament, and the people therein represented:

Particularly, upon or about the 13th day of June, in the year of our Lord 1642, at Beverly in the county of York; and upon or about the 30th day of July, in the year aforesaid, in the county of the city of York; and upon or about the 24th day of August, in the same year, at the county of the town of Nottingham, (when and where he set up his *standard of war*;) and upon or about the 23d day of October, in the same year, at Edge-hill and Kineton field in the county of Warwick; and upon or about the 30th day of November, in the same year, at Brainford in the county of Middlesex; and upon or about the 30th day of August, in the year of our Lord 1643, at Cavesham bridge near Reading in the county of Berks; and upon or about the 30th day of October, last mentioned, at or near the city of Gloucester; and upon or about the 30th day of November in the year last mentioned, at Newbury in the county of Berks; and upon or about the 31st day of July in the year of our Lord 1644, at Croperdy bridge in the county of Oxon; and upon or about the 30th day of September, in the year last mentioned, at Bodmin and other places near adjacent in the county of Cornwall; and upon or about the 30th day of November, in the year last mentioned, at Newbury aforesaid; and upon or about the 3th day of June, in the year of our Lord 1645, at the town of Leicester; and also upon the 14th day of the same month, in the same year, at Naseby-field in the county of Northampton: at which several times and places, or most of them; and at many other places in this land, at several other times, within the years aforementioned, and in the year of our Lord 1646, he, the said Charles Stuart, hath caused and procured many thousands of the free people of the nation to be slain, and by divisions, parties, and insurrections within this land, by invasions from foreign parts, endeavoured and procured by him, and by many other evil ways and means, he, the said Charles Stuart, hath not only maintained and carried on the said war both by land and sea during the years before mentioned, but also hath renewed, or caused to be renewed, the said war against the parliament and good people of this nation in this present year 1648, in the counties of Kent, Essex, Surrey, Suffex, Middlesex, and many other places in England and Wales; and also by sea; and particularly he, the said Charles Stuart, hath for that purpose given commission to his son, the prince, and others, whereby, be-

side

sides multitudes of other persons, many such as were by the parliament intrusted and employed for the safety of the nation, being by him or his agents corrupted to the betraying of their trust, and revolting from the parliament, have had entertainment and commission for the continuing and renewing of war and hostility against the said parliament and people, as aforesaid. By which cruel and unnatural wars by him, the said Charles Stuart, levied, continued, and renewed, as aforesaid, much innocent blood of the free people of this nation hath been spilt, many families have been undone, the public treasury wasted and exhausted, trade obstructed and miserably decayed, vast expence and damage to the nation incurred, and many parts of the land spoiled, some of them even to desolation.

And for further prosecution of his said evil designs, he, the said Charles Stuart, doth still continue his commissions to the said prince, and other rebels and revolvers, both English and foreigners, and to the earl of Ormond, and the Irish rebels and revolvers associated with him, from whom further invasions upon this land are threatened, upon the procurement and on the behalf of the said Charles Stuart.

All which wicked designs, wars, and evil practices of him, the said Charles Stuart, have been and are carried on for the advancing and upholding of the personal interest of will and power, and pretended prerogative to himself and his family, against the public interest, common right, liberty, justice, and peace of the people of this nation, by and for whom he was entrusted, as aforesaid.

By all which it appeareth that he, the said Charles Stuart, hath been and is the occasioner, author and contriver of the said unnatural, cruel and bloody wars, and therein guilty of all the treasons, murders, rapines, burnings, spoils, desolations, damage, and mischief to this nation, acted or committed in the said wars, or occasioned thereby.

And the said John Cook (by protestation saving on the behalf of the people of England the liberty of exhibiting at any time hereafter any other charge against the said Charles Stuart, and also of replying to the answers which the said Charles Stuart shall make to the premisses or any of them, or any other charge that shall be so exhibited) doth for the said treasons and crimes, on the behalf of the said people of England, *impeach* the said Charles Stuart as a tyrant, traitor, murderer, and a publick and implacable enemy to the commonwealth of England; and pray that the said Charles Stuart, King of England, may be put to answer all and every the premisses, that such proceedings, examinations, trials, sentence, and judgment may be thereupon had, as shall be agreeable to justice.

His Majesty with his wonted patience heard all these slanders and reproaches, sitting in the chair, and looking sometimes on the pretended court, sometimes up to the galleries; and rising again turned about to behold the guards and spectators: then he sat down with a majestick and unmoved countenance, and sometimes smiling, especially at these words, Tyrant, Traitor, and the like. Also the silver head of his staff happened to fall off; at which he wondered, and seeing none to take it up, he stooped for it himself. The charge being read, Bradshaw began.

Sir, you have now heard your charge read, containing such matters as appear in it: you find that in the close of it, it is prayed to the

court,

court, in the behalf of the commons of England, that you answer to your charge : the court expects your answer.

KING. I would know by what power I am called hither. I was not long ago in the Isle of Wight ; how I came there, is a longer story than I think is fit at this time for me to speak of : but there I entered into a treaty with both houses of parliament, with as much publick faith as it is possible to be had of any people in the world. I treated there with a number of honorable lords and gentlemen, and treated honestly and uprightly : I cannot say but they did very nobly with me : we were upon a conclusion of the treaty. Now, I would know by what authority (I mean *lawful* ; there are many *unlawful* authorities in the world, thieves and robbers by the highways ; but I would know by what authority) I was brought from thence, and carried from place to place, and I know not what. And when I know by what lawful authority, I shall answer.

Remember, I am your *king*, your *lawful king*, and what sins you bring upon your heads, and the judgment of God upon this land : think well upon it, I say think well upon it, before you go further from one sin to a greater. Therefore let me know by what lawful authority I am seated here, and I shall not be unwilling to answer. In the mean time, I shall not betray my trust : I have a trust committed to me by God, by old and lawful descent ; I will not betray it, to answer to a new unlawful authority. Therefore resolve me that, and you shall hear more of me.

Bradshaw. If you had been pleased to have observed what was hinted to you by the court at your first coming hither, you would have known by what authority ; which authority requires you, in the name of the people of England, of which you are elected King, to answer.

KING. No, sir : I deny that.

Bradshaw. If you acknowledge not the authority of the court, they must proceed.

KING. I do tell them so ; England was never an *elective* kingdom, but an *hereditary* kingdom for near these thousand years : therefore let me know by what authority I am called hither. I do stand more for the liberty of my people than any here that come, to be my pretended judges : and therefore let me know by what lawful authority I am seated here, and I will answer it ; otherwise I will not answer it. *Brad.*

Bradshaw. Sir, how really you have managed your trust, is known : your way of answer is to interrogate the court, which be seems not you in this condition. You have been told of it twice or thrice.

KING. Here is a gentleman, lieutenant-colonel Cobbet ; ask him if he did not bring me from the Isle of Wight by force. I do not come here as submitting to the court. I will stand as much for the priviledge of the house of commons, rightly understood, as any man here whatsoever : I see no house of lords here, that may constitute a parliament ; and the king too should have been. Is this the bringing of the king to his parliament ? is this the bringing an end to the treaty in the public faith of the world ? Let me see a legal authority, warranted by the word of God, the scriptures, or warranted by the constitutions of the kingdom, and I will answer.

Bradshaw. Sir, you have propounded a question, and have been answered. Seeing you will not answer, the court will consider how to proceed. In the mean time, those that brought you hither are to take the charge of you back again. The court desires to know whether this be all the answer you will give or no.

KING. Sir, I desire that you would give me and all the world satisfaction in this. Let me tell you, it is not a slight thing you are about. I am sworn to keep the peace, by that duty I owe to God and my country ; and I will do it to the last breath of my body. And therefore you shall do well to satisfy, first God, and then the country, by what authority you do it. If you do it by an usurped authority, you cannot answer it : there is a God in heaven that will call you, and all that give you power, to account. Satisfy me in that, and I will answer ; otherwise I betray my trust, and the liberties of the people : and therefore think of that, and then I shall be willing. For I do avow that it is as great a sin to withstand lawful authority, as it is to submit to a tyrannical, or any otherwise unlawful authority. And therefore satisfy God and me, and all the world in that, and you shall receive my answer. I am not afraid of the bill.

Bradshaw. The court expects you should give them a final answer. Their purpose is to adjourn till Monday next : if you do not satisfy yourself, though we do tell you our authority, we are satisfied with our authority, and it is upon God's authority and the kingdoms ; and that peace you speak of will be kept in the doing of justice, and that's our present work.

KING,

KING. For answer let me tell you, you have shewn no lawful authority to satisfy any reasonable man.

Bradshaw. That's in your apprehension; we are satisfied that are your judges.

KING. It is not my apprehension, nor yours neither, that ought to decide it.

Bradshaw. The court hath heard you, and you are to be disposed of as they have commanded.

So commanding the guard to take him away, his majesty only replied, Well, sir. And at his going down, pointing with his staff toward the axe, he said, I do not fear that. As he went down the stairs, the people in the hall cried out, God save the King; notwithstanding some were there set by the faction to lead the clamour for justice.

O yes being called, they adjourn.

Westminster-Hall, Monday, January 22, Afternoon.

Sunday being spent in fasting and preaching, (according to their manner of making religion a pretence and prologue to their villanies) on Monday afternoon they came again into the hall, and after silence commanded, called over their court, where seventy persons being present answered to their names. His majesty being brought in, the people gave a shout. Command given to the captain of their guard to fetch and take into his custody those who make any disturbance. Then their Solicitor Cooke began. May it please your lordship, my Lord President, I did at the last court, in the behalf of the commons of England, exhibit and give into this court a charge of high treason and other high crimes against the prisoner at the bar, whereof I do accuse him in the name of the people of England; and the charge was read unto him, and his answer required. My Lord, he was not then pleased to give an answer; but instead of answering, did there dispute the authority of this high court. My humble motion to this high court, in behalf of the kingdom of England, is, That the prisoner may be directed to make a positive answer, either by way of confession, or negation: which if he shall refuse to do; that the matter of charge may be taken *pro confesso*, and the court may proceed according to justice.

Bradshaw. Sir, you may remember, at the last court you were told the occasion of your being brought hither, and you heard a charge read against you, containing a charge of high treason and other high crimes against this realm of England; you heard likewise, that it was prayed in the behalf of the people, that you should give an answer to that charge, that thereupon such proceedings might be had as should be agreeable to justice: you were then pleased to make some scruples concerning the authority of this court, and knew not by what authority you were brought hither: you did divers times propound your questions, and were as often answered, that it was by authority of the commons of England assembled in parliament, that did think fit to call you to account for those high and capital misdemeanours wherewith you were then charged. Since that, the court hath taken into consideration what you then said: they are fully satisfied with their own authority, and they hold it fit you should stand

stand satisfied with it too ; and they do require it, that you do give a positive and particular answer to this charge that is exhibited against you. They do expect you should either confess, or deny it : if you deny, it is offered, in the behalf of the kingdom, to be made good against you. Their authority they do avow to the whole world, that the whole kingdom are to rest satisfied in, and you are to rest satisfied with it ; and therefore you are to lose no more time, but to give a positive answer thereunto.

KING. When I was here last, it is very true, I made that question ; and if it were only my own particular case, I would have satisfied myself with the protestation I made the last time I was here, against the legality of this court, and that a king cannot be tried by any superior jurisdiction on earth. But it is not my case alone, it is the freedom and the liberty of the people of England ; and do you pretend what you will, I stand more for their liberties. For if power without law may make laws, may alter the fundamental laws of the kingdom, I do not know what subject he is in England that can be sure of his life, or any thing that he calls his own. Therefore, when that I came here, I did expect particular reasons, to know by what law, what authority you did proceed against me here : and therefore I am a little to seek what to say to you in this particular, because the affirmative is to be proved, the negative often is very hard to do. But since I cannot persuade you to do it, I shall tell you my reasons as short as I can.

My reasons why in conscience, and the duty I owe to God first, and my people next, for the preservation of their lives, liberties and estates, I conceive I cannot answer this, till I be satisfied of the legality of it.

All proceedings against any man whatsoever—

Bradshaw. Sir, I must interrupt you ; which I would not do, but that what you do is not agreeable to the proceedings of any court of justice. You are about to enter into argument and dispute concerning the authority of this court, before whom you appear as a prisoner, and are charged as an high delinquent ; if you take upon you to dispute the authority of the court, we may not do it, nor will any court give way unto it ; you are to submit unto it, you are to give a punctual and direct answer, whether you will answer your charge or no, and what your answer is.

KING. Sir, by your favour, I do not know the forms of law ; I do know law and reason, though I am no lawyer professed, but I know as much law as any gentleman in England ; and therefore under favour, I do plead for the

the liberties of the people of England more than you do : and therefore if I should impose a belief upon any man without reasons given for it, it were unreasonable : but I must tell you, that that reason that I have as thus informed, I cannot yield unto it.

Bradshaw. Sir, I must interrupt you ; you may not be permitted. You speak of law and reason ; it is fit there should be law and reason ; and there is both against you. Sir, the vote of the commons of England assembled in parliament, it is the *reason* of the kingdom ; and they are these too that have given that law according to which you should have ruled and reigned. Sir, you are not to dispute our authority ; you are told it again by the court : Sir, it will be taken notice of, that you stand in contempt of the court, and your contempt will be recorded accordingly.

KING. I do not know how a king can be a delinquent : but by any law that ever I heard of, all men (delinquents, or what you will) let me tell you, they may put in demurrers against any proceeding as legal ; and I do demand that, and demand to be heard with my reasons : if you deny that, you deny reason.

Bradshaw. Sir, you have offered something to the court ; I shall speak something unto you the sense of the court. Sir, neither you nor any man are permitted to dispute that point : you are concluded, you may not demur to the jurisdiction of the court ; if you do, I must let you know that they over-rule your demurrer : they sit here by the authority of the commons of England, and all your predecessors and you are responsible to them.

KING. I deny that ; shew me one precedent.

Bradshaw. Sir, you ought not to interrupt while the court is speaking to you. This point is not to be debated by you, neither will the court permit you to do it. If you offer it by way of demurrer to the jurisdiction of the court, they have considered of their jurisdiction, they do affirm their own jurisdiction.

KING. I say, Sir, by your favour, that the commons of England was never a court of judicature ; I would know how they came to be so.

Bradshaw. Sir, you are not to be permitted to go on in that speech and these discourses.

Then the clerk of the court read, Charles Stuart, king of England, you have been accused on the behalf of the people of England of high treason and other high crimes : the court have determined, that you ought to answer the same.

KING. I will answer the same, so soon as I know by what authority you do this.

Bradshaw. If this be all that you will say, then, gentlemen, you that brought the prisoner hither, take charge of him back again.

KING. I do require that I may give in my reasons why I do not answer, and give me time for that.

Brad-

Bradshaw. Sir, 'tis not for prisoners to require.

KING. Prisoners, Sir ! I am not an ordinary prisoner.

Bradshaw. The court have considered of their jurisdiction, and they have already affirmed their jurisdiction ; if you will not answer, we will give order to record your default.

KING. You never heard my reasons yet.

Bradshaw. Sir, your reasons are not to be heard against the highest jurisdiction.

KING. Shew me that jurisdiction where reason is not to be heard.

Bradshaw. Sir, we shew it you here, the commons of England ; and the next time you are brought, you will know more of the pleasure of the court ; and, it may be, their final determination.

KING. Shew me where ever the house of commons was a judicature of that kind.

Bradshaw. Serjeant, take away the prisoner.

KING. Well, Sir, remember that the king is not suffered to give in his reasons for the liberty and freedom of all his subjects.

Bradshaw. Sir, you are not to have liberty to use this language. How great a friend you have been to the laws and liberties of the people, let all England and the world judge.

KING. Sir, under favour, it was the liberty, freedom, and laws of the subjects, that ever I took—— defended myself with arms. I never took up arms against the people, but for the laws.

Bradshaw. The command of the court must be obeyed. No answer will be given to the charge.

KING. Well, Sir.

Then Bradshaw ordered the default to be recorded, and the contempt of the court, and that no answer would be given to the charge. The king was guarded forth to sir Robert Cotton's house. The court adjourned to the painted chamber on Tuesday at 12 o'clock, and from thence they intend to adjourn to Westminster-hall, at which time all persons concerned are to give their attendance.

His majesty not being suffered to deliver his reasons against the jurisdiction of their pretended court by word of mouth, thought fit to leave them in writing to the more impartial judgment of posterity, as followeth :

HAVING already made my protestations, not only against the illegality of this pretended court, but also that no earthly power can justly call me (who am your king) in question as a delinquent : I would not any more open my mouth upon this occasion, more than to refer myself to what I have spoken, were I in this case alone concerned. But the duty I owe to God in the

the preservation of the true liberty of my people will not suffer me at this time to be silent. For how can any free-born subject of England call life or any thing he possesseth, his own, if power without right daily make new, and abrogate the old fundamental law of the land? which I now take to be the present case. Wherefore when I came hither, I expected that you would have endeavoured to have satisfied me concerning these grounds which hinder me to answer to your pretended impeachment: but since I see that nothing I can say will move you to it, (though negatives are not so naturally proved as affirmatives) yet I will shew you the reason why I am confident you cannot judge me, nor indeed the meanest man in England; for I will not, (like you) without shewing a reason, seek to impose a belief upon my subjects †. There is no proceeding just against any man, but what is warranted either by God's laws or the municipal laws of the country where he lives. Now I am most confident this day's proceeding cannot be warranted by God's law: for on the contrary, the authority of obedience unto kings is clearly warranted and strictly commanded both in the Old and New Testament; which if denied, I am ready instantly to prove. And for the question now in hand, there it is said, that *where the word of a king is, there is power; and who may say unto him, what dost thou? Eccl. viii. 4.* Then for the law of this land, I am no less confident that no learned lawyer will affirm that an impeachment can lie against the king, they all going in his name; and one of their maxims is, *That the King can do no wrong.* Besides the law upon which you ground your proceedings must either be old or new: if old, shew it; if new, tell what authority warranted by the fundamental laws of the land hath made it, and when. But how the house of commons can erect a court of judicature, which was never one itself (as is well known to all lawyers) I leave to God and the world to judge: and it were full as strange, that they should pretend to make laws without king or lords house, to any that have heard speak of the laws of England.

† Hereabout I was stopped, and not suffered to speak any more concerning reasons.

And

And admitting, but not granting, that the people of England's commission could grant your pretended power, I see nothing you can shew for that ; for certainly you never asked the question of the tenth man in the kingdom ; and in this way you manifestly wrong even the poorest ploughman, if you demand not his free consent : nor can you pretend any colour for this your pretended commission, without the consent at least of the major part of every man in England, of whatsoever quality or condition, which I am sure you never went about to seek ; so far are you from having it. Thus you see that I speak not for my own right alone, as I am your king, but also for the true liberty of all my subjects, which consists not in the power of government, but in living under such laws, such a government, as may give themselves the best assurance of their lives and property of their goods. Nor in this must or do I forget the privileges of both houses of parliament, which this day's proceedings do not only violate, but likewise occasion the greatest breach of their publick faith that (I believe) ever was heard of : with which I am far from charging the two houses ; for all pretended crimes laid against me bear date long before this late treaty at Newport, in which I having concluded as much as in me lay, and hopefully expecting the houses agreement thereunto, I was suddenly surprized, and hurried from thence as a prisoner, upon which account I am against my will brought hither ; where since I am come, I cannot but to my power defend the ancient laws and liberties of this kingdom, together with my own just right. Then, for any thing I can see, the higher house is totally excluded. And for the house of commons, it is too well known that the major part of them are detained or deterred from sitting ; so as, if I had no other, this were sufficient for me to protest against the lawfulness of your pretended court. Besides all this, the peace of the kingdom is not the least in my thoughts : and what hopes of settlement is there, so long as power reigns without rule or law, changing the whole frame of that government under which this kingdom hath flourished for many hundred years ? (nor will I say what will fall out, in case this lawless unjust proceeding against me
do

do go on.) And believe it, the commons of England, will not thank you for this change, for they will remember how happy they have been of late years under the reign of queen Elizabeth, the king my father, and myself, until the beginning of these unhappy troubles, and will have cause to doubt that they shall be never so happy under any new. And by this time it will be too sensibly evident, that the arms I took up were only to defend the fundamental laws of this kingdom, against those who have supposed my power hath totally changed the ancient government.

Thus having shewed you briefly the reasons why I cannot submit to your pretended authority, without violating the trust which I have from God for the welfare and liberty of my people ; I expect from you either clear reasons to convince my judgment, shewing me that I am in an error (and then truly I will answer) or that you will withdraw your proceedings.

This I intended to speak in Westminster-hall on Monday 22d January, but against reason was hindered to shew my reasons.

Westminster-Hall, Tuesday, January 23d, Afternoon.

O Yes made, silence commanded. The court called ; seventy one present. The king brought in by the guard, looks with a majestic countenance upon his pretended judges, and sits down. After the second O yes, and silence commanded, Cooke began more insolently ;

May it please your lordship, my Lord President, this is now the third time that, by the great grace and favour of this high court, the prisoner hath been brought to the bar, before any issue joined in the cause. My lord, I did at the first court exhibit a charge against him, containing the highest treason that ever was wrought upon the theatre of England, that a king of England, trusted to keep the law, that had taken an oath so to do, that had tribute paid him for that end, should be guilty of a wicked design to subvert and destroy our laws, and introduce an arbitrary and tyrannical government, in the defence [defiance] of the parliament and their authority, set up his standard for war against the parliament and people : and I did humbly pray, in the behalf of the people of England, that he might speedily be required to make an answer to the charge. But, my lord, instead of making any answer, he did then dispute the authority of this high court. Your lordship was pleased to give him a further day to consider, and to put in his answer ; which day being yesterday, I did humbly move, that he might be required to give a direct and positive answer, either by denying or confession of it : But, my lord, he was then pleased for to demur to the jurisdiction of the court, which the court did then over-rule, and command him to give

a direct and positive answer. My lord, besides this great delay of justice, I shall now humbly move your lordship for speedy judgment against him. My lord, I might press your lordship upon the whole, that according to the known rules of the law of the land, that if a prisoner shall stand as contumacious in contempt, and shall not put in an issuable plea, guilty or not guilty of the charge given against him, whereby he may come to a fair trial, that as by an implicit confession it may be taken *pro confesso*, as it hath been done to those who have deserved more favour than the prisoner at the bar has done: but besides, my lord, I shall humbly press your lordship upon the whole fact. The house of commons, the supreme authority and jurisdiction of the kingdom, they have declared, that it is notorious that the matter of the charge is true: as it is in truth, my lord, as clear as crystal, and as the sun that shines at noon-day: which if your lordship and the court be not satisfied in, I have, notwithstanding, on the people of England's behalf, several witnesses to produce. And therefore I do humbly pray, (and yet I must confess it is not so much I, as the innocent blood that hath been shed, the cry whereof is very great for justice and judgment, and therefore I do humbly pray) that speedy judgment be pronounced against the prisoner at the bar.

Bradshaw went on in the same strain, Sir, you have heard what is moved by the council on the behalf of the kingdom against you. Sir, you may well remember, and if you do not, the court cannot forget, what dilatory dealings the court hath found at your hands. You were pleased to propound some questions; you have had your resolution upon them. You were told over and over again, that the court did affirm their own jurisdiction; that it was not for you nor any other man to dispute the jurisdiction of the supreme and highest authority of England, from which there is no appeal, and touching which there must be no dispute; yet you did persist in such carriage, as you gave no manner of obedience, nor did you acknowledge any authority in them, nor the high court that constituted this court of justice. Sir, I must let you know from the court, that they are very sensible of these delays of yours, and that they ought not, being thus authorized by the supreme court of England, to be thus trifled withal, and that they might in justice, if they pleased, and according to the rules of justice, take advantage of these delays, and proceed to pronounce judgment against you: yet nevertheless they are pleased to give direction, and on their behalfs I do require you, that you make a positive answer unto this charge that is against you. Sir, in plain terms, (for justice knows no respect of persons) you are to give your positive and final answer in plain English, whether you be guilty or not guilty of these treasons laid to your charge.

The king, after a little pause, said,

When I was here yesterday I did desire to speak for the liberties of the people of England: I was interrupted: I desire to know yet whether I may speak freely or not.

Bradshaw. Sir, you have had the resolution of the court upon the like question the last day, and you were told, that having such a

charge of so high a nature against you, your work was, that you ought to acknowledge the jurisdiction of the court, and to answer to your charge. Sir, if you answer to your charge, which the court gives you leave now to do, though they might have taken the advantage of your contempt, yet if you be able to answer to your charge, when you have once answered, you shall be heard at large, make the best defence you can. But, sir, I must let you know from the court, as their commands, that you are not to be permitted to issue out into any other discourses, till such time as you have given a positive answer concerning the matter that is charged upon you.

KING. For the charge, I value it not a rush. It is the liberty of the people of England that I stand for. For me to acknowledge a new court that I never heard of before, I that am your king, that should be an example to all the people of England for to uphold justice, to maintain the old laws; indeed I do not know how to do it. You spoke very well the first day that I came here, on Saturday, of the obligations that I had laid upon me by God to the maintenance of the liberties of my people: the same obligation you spake of I do acknowledge to God, that I owe to him and to my people to defend, as much as in me lies, the ancient laws of the kingdom: therefore until that I may know that it this is not against the fundamental laws of the kingdom, by your favour, I can put in no particular charge [answer] If you will give me time, I will shew you my reasons, why I cannot do it, and this——

Here being interrupted, he said,

By your favour, you ought not to interrupt me.

How I came here, I know not; there's no law for it, to make your king your prisoner. I was in a treaty upon the publick faith of the kingdom, that was the known——two houses of parliament, that was the representative of the kingdom; and when that I had almost made an end of the treaty, then I was hurried away and brought hither: and therefore——

Bradshaw. Sir, you must know the pleasure of the court.

KING. By your favour, sir.

Bradshaw. Nay, sir, by your favour, you may not be permitted to fall into those discourses: you appear as a delinquent; you have not acknowledged the authority of the court. The court craves it not of you; but once more they command you to give your positive answer. Clerk, do your duty.

KING. Duty, sir!

The clerk reads; Charles Stuart, king of England, you are accused, in the behalf of the commons of England, of divers high crimes and treasons,

treasons, which charge hath been read unto you: the court now requires you to give your positive and final answer by way of confession or denial of the charge.

KING. Sir, I say again to you, so that I might give satisfaction to the people of England of the clearness of my proceedings, not by way of answer, not in this way, but to satisfy them that I have done nothing against that trust that hath been committed to me, I would do it; but to acknowledge a new court against their privileges, to alter the fundamental laws of the kingdom, sir, you must excuse me.

Bradshaw. Sir, this is the third time that you have publicly disowned this court, and put an affront upon it. How far you have preserved the privileges of the people, your actions have spoke it; but truly, sir, mens intentions ought to be known by their actions: you have written your meaning in bloody characters throughout the whole kingdom. But, sir, you understand the pleasure of the court. Clerk, record the default. And, gentlemen, you that took charge of the prisoner, take him back again.

KING. I will only say this one word more to you; if it were only my own particular, I would not say any more nor interrupt you.

Bradshaw. Sir, you have heard the pleasure of the court, and you are (notwithstanding you will not understand it) to find that you are before a court of justice.

Then the king went forth with the guard. And proclamation was made, that all persons which had then appeared, and had further to do at the court, might depart into the painted chamber, to which place the court did forthwith adjourn, and intended to meet in Westminster-hall by ten of the clock next morning.

Cryer. God bless the kingdom of England!

Westminster-hall, Saturday, Jan. 27. Afternoon.

Two or three days being spent in a formal examination of witnesses, and preparing themselves for the last scene of this mock-show, at length, on Saturday the 27th of January, Bradshaw in his scarlet robes appeared in the hall, and sixty * seven others answered to their names. As the king came in (in his wonted posture, with his hat on) and passed toward them, some few soldiers began a clamour for justice, justice, and execution. O yes made, and silence commanded, the captain of their guard ordered to take into custody such as made any disturbance. His majesty began;

I desire a word, to be heard a little; and I hope I shall give no occasion of interruption

Bradshaw saucily answered, You may answer in your time; hear the court first.

* four (for it seems some came in after)

His Majesty patiently replied,

If it please you, sir, I desire to be heard, and I shall not give any occasion of interruption; and it is only in a word. A sudden judgment——

Bradshaw. Sir, you shall be heard in due time; but you are to hear the court first,

KING. Sir, I desire it; it will be in order to what I believe the court will say; and therefore, sir,—a hasty judgment is not so soon recalled.

Bradshaw. Sir, you shall be heard before the judgment be given; and in the mean time you may forbear.

KING. Well, Sir, shall I be heard before the judgment be given?

Bradshaw. Gentlemen, it is well known to all or most of you here present, that the prisoner at the bar hath been several times convicted and brought before this court, to make answer to a charge of treason and other high crimes exhibited against him in the name of the people of England. * To which charge being required to answer, he hath been so far from obeying the commands of the court, by submitting to their justice, as he began to take upon him to offer reasoning and debate unto the authority of the court, and to the highest court, that appointed them to try and judge him; but being overruled in that, and required to make his answer, he was still pleased to continue contumacious, and to refuse to submit to answer.

Hereupon the court, that they might not be wanting to themselves nor the trust reposed in them, nor that any man's wilfulness prevent justice, they have thought fit to take the matter into their consideration; they have considered of the charge, they have considered of the contumacy, and of that confession which in law doth arise upon that contumacy; they have likewise considered of the notoriety of the fact charged upon this prisoner: and upon the whole matter, they are resolved and are agreed upon a sentence to be pronounced against this prisoner. But in respect he doth desire to be heard before the sentence be read and pronounced, the court hath resolved that they will hear him.

Yet, Sir, thus much I must tell you beforehand, which you have been minded of at other courts, that if that which you have to say be to offer any debate concerning the jurisdiction, you are not to be heard in it. You have offered it formerly, and you have struck at the root, that is, the power and supreme authority of the commons of England; which this court will not admit a debate of, and which indeed it is an irrational thing in them to do, being a court that acts upon authority derived from them. But, Sir, if you have any thing to say in defence of yourself, concerning the matter charged, the court hath given me in command to let you know they will hear you.

KING. Since I see that you will not hear any thing of debate concerning that which I confess I thought

* Here a lady interposed, saying, *Not half the people*; but was silenced with threats.

most material for the peace of the kingdom and for the liberty of the subject, I shall wave it, I shall speak nothing to it. But only I must tell you, that this many-a-day all things have been taken away from me, but that that I call dearer to me than my life, which is, my conscience and my honour: and if I had a respect to my life more than the peace of the kingdom and the liberty of the subject, certainly I should have made a particular defence for myself: for by that at leastwise I might have delayed an ugly sentence, which I believe will pass upon me. Therefore certainly, sir, as a man that hath some understanding, some knowledge of the world, if that my true zeal to my country had not overborne the care that I have for my own preservation, I should have gone another way to work than that I have done. Now, sir, I conceive that an hasty sentence once passed may sooner be repented of than recalled; and truly the self-same desire that I have for the peace of the kingdom and the liberty of the subject, more than my own particular ends, makes me now at last desire, that I having something to say that concerns both, I desire, before sentence be given, that I may be heard in the painted chamber before the lords and commons. This delay cannot be prejudicial unto you, whatsoever I say. If that I say no reason, those that hear me must be judges; I cannot be judge of that that I ** have. If it be reason, and really for the welfare of the kingdom and the liberty of the subject, I am sure on it, it is very well worth the hearing. Therefore I do conjure you, as you love that that you pretend, (I hope it is real) the liberty of the subject, the peace of the kingdom, that you will grant me this hearing before any sentence be passed. I only desire this, that you will take this into your consideration: it may be you have not heard of it before-hand. If you will, I will retire, and you may think of it: but if I cannot get this liberty, I do protest, that these fair shews of liberty and peace are pure shews, and that you will not hear your king.

Bradshaw. Sir, you have now spoken.

KING. Yes, sir.

Bradshaw. And this that you have said is a farther declining of the jurisdiction of this court, which was the thing wherein you were limited before.

KING. Pray excuse me, sir, for my interruption, because you mistake me. It is not a declining of it; you do judge me before you hear me speak. I say it will not, I do not decline it; though I cannot acknowledge the jurisdiction of the court, yet, sir, in this, give me leave to say, I would do it, though I did not acknowledge it; in this, I do protest, it is not the declining of it, since, I say, if that I do say any thing but that that is for the peace of the kingdom and the liberty of the subject, then the shame is mine. Now I desire that you will take this into your consideration; if you will, I will withdraw.

Bradshaw. Sir, this is not altogether new that you have moved unto us, not altogether new to us, though the first time in person you have offered it to the court. Sir, you say you do not decline the jurisdiction of the court.

KING. Not in this that I have said.

Bradshaw. I understand you well, Sir, but nevertheless, that which you have offered seems to be contrary to that saying of yours; for the court are ready to give a sentence. It is not as you say, "That they will not hear their king;" for they have been ready to hear you, they have patiently waited your pleasure for three courts together, to hear what you would say to the people's charge against you; to which you have not vouchsafed to give any answer at all. Sir, this tends to a further delay. Truly, Sir, such delays as these neither may the kingdom nor justice well bear. You have had three several days to have offered in this kind what you would have pleaded. This court is founded upon that authority of the commons of England, in whom rests the supreme jurisdiction. That which you now tender is to have another jurisdiction, and a co-ordinate jurisdiction; I know very well you express yourself, Sir, that notwithstanding that you would offer to the lords and commons in the painted chamber, yet nevertheless you would proceed on here; I did hear you say so. But, Sir, that you would offer there, whatever it is, must needs be in delay of the justice here; so as if this court be resolved and prepared for the sentence, this that you offer they are not bound to grant. But, Sir, according to that you seem to desire, and because you shall know the further pleasure of the court upon that which you have moved, the court will withdraw for a time.

This he did to prevent the disturbance of their scene by one of their own members, colonel John Downes, who could not fesse the reluctance of his conscience, when he saw his majesty press so earnestly for a short hearing, but declaring himself unsatisfied, forced them to yield to the king's request. Then the king said, Shall I withdraw?

Bradshaw. Sir, you shall know the pleasure of the court presently. The court withdraws for half an hour into the court of wards.

Serjeant at arms. The court gives command that the prisoner be withdrawn; and they give order for his return again.

Then withdrawing into the chamber of the court of wards, their business

business was not to consider of his majesty's desire, but to abide Downes, and with reproaches and threats to barden him to go through the remainder of their villany with them. Which done they return; and being set, Bradshaw commanded, Serjeant at arms, send for your prisoner. Who being come, Bradshaw proceeded:

Sir, you were pleased to make a motion here to the court, to offer a desire of yours touching the propounding of somewhat to the lords and commons in the painted chamber for the peace of the kingdom. Sir, you did in effect receive an answer before the court adjourned; Truly, Sir, their withdrawing and adjournment was *pro formatum*, for it did not seem to them that there was any difficulty in the thing. They have considered of what you have moved, and have considered of their own authority, which is founded as hath been often said, upon the supreme authority of the commons of England assembled in parliament; the court acts accordingly to their commission. Sir, the return I have to you from the court is this, that they have been too much delayed by you already, and this that you now offer hath occasioned some little further delay, and they are judges appointed by the highest authority, and judges are no more to delay than they are to deny justice: they are good words in the great old charter of England, *Nulli negabimus, nulli vendemus, & nulli deferemus justitiam*: there must be no delay. But the truth is, Sir, and so every man here observes it, that you have much delayed them in your contempt and default, for which they might long since have proceeded to judgment against you; and notwithstanding what you have offered, they are resolved to proceed to sentence and to judgment; and that is their unanimous resolution.

KING. Sir, I know it is in vain for me to dispute; I am no sceptick for to deny the power that you have; I know that you have power enough. Sir, I must confess, I think it would have been for the kingdom's peace, if you would have taken the pains for to have shewn the lawfulness of your power. For this delay that I have desired, I confess it is a delay, but it is a delay very important for the peace of the kingdom; for it is not my person that I look at alone, it is the kingdom's welfare, and the kingdom's peace. It is an old sentence, "that we should think on long before we resolve of great matters suddenly." Therefore, sir, I do say again, that I do put at your doors all the inconveniency of a hasty sentence. I confess I have been here now, I think this week; this day eight days was the day I came here first; but a little delay of a day or two further may give peace, whereas a hasty judgment may bring on that trouble and perpetual inconveniency, that the child that is unborn may repent it. And therefore again, out of the duty I owe to God and to my country,

country, I do desire, that I may be heard by the lords and commons in the painted-chamber, or any other chamber that you will appoint me.

Bradshaw. You have been already answered to what you have even now moved, being the same you moved before, since the resolution and the judgment of the court in it; and the court now requires to know whether you have any more to say for yourself than you have said, before they proceed to sentence.

KING. I say this, sir, that if you hear me, if you will give me but this delay, I doubt not but I shall give some satisfaction to you all here, and to my people after that; and therefore I do require you, as you will answer it at the dreadful day of judgment, that you will consider it once again.

Bradshaw. Sir, I have received direction from the court.

KING. Well, sir.

Bradshaw. If this must be reinforced, or any thing of this nature, your answer must be the same; and they will proceed to sentence, if you have nothing more to say.

KING. I have nothing more to say; but I shall desire that this may be entered what I have said.

Bradshaw. The court then, Sir, have something to say to you, which although I know it will be very unacceptable, yet notwithstanding they are willing and are resolved to discharge their duty.

Then Bradshaw went on in a long harangue, endeavouring to justify their proceedings, misapplying law and history, and raking up and wresting whatsoever he thought fit for his purpose, alleging the example of former treasons and rebellions, both at home and abroad, as authentic proofs; and concluding, that the king was a tyrant, traitor, murderer, and public enemy to the commonwealth of England.

His majesty having with his wonted patience heard all these reproaches, answered,

I would desire only one word before you give sentence, and that is, that you would hear me concerning those great imputations that you have laid to my charge.

Bradshaw. Sir, you must give me now leave to go on, for I am not far from your sentence, and your time is now past.

KING. But I shall desire you will hear me a few words to you; for, truly, whatever sentence you will, put upon me, in respect of those heavy imputations that I see by your speech you have put upon me. Sir, it is very true that—

Bradshaw. Sir, I must put you in mind; truly, Sir, I would not willingly, at this time especially, interrupt you in any thing you have to say that is proper for us to admit of; but, Sir, you have not owned us as a court, and you look upon as a sort of people met together, and we know what language we receive from your party.

KING. I know nothing of that. *Brad.*

Bradshaw. You disavow us as a court, and therefore for you to address yourself to us, not to acknowledge us as a court to judge of what you say, it is not to be permitted. And the truth is, all along from the first time you were pleased to disavow and disown us, the court needed not to have heard you one word; for unless they be acknowledged a court, and engaged, it is not proper for you to speak. Sir, we have given you too much liberty already, and admitted of too much delay, and we may not admit of any farther. Were it proper for us to do, we should hear you freely, and we should not have declined to have heard you at large, what you could said or proved on your behalf, whether for totally excusing, or for in part excusing, those great and heinous charges that in whole or in part are laid upon you. But, Sir, I shall trouble you no longer; your sins are of so large a dimension, that if you do but seriously think of them they will drive you to a sad consideration, and they may improve in you a sad and serious repentance. And that the court doth heartily wish, that you may be so penitent for what you have done amiss, that God may have mercy at leastwise upon your better part. Truly, Sir, for the other, it is our parts and duties to do that that the law prescribes. We are not here *jus dare*, but *jus dicere*; we cannot be unmindful of what the scripture tells us, For to acquit the guilty is of equal abomination as to condemn the innocent; we may not acquit the guilty. What sentence the law affirms to a traitor, tyrant, a murderer, and a public enemy to the country, that sentence you are now to hear read unto you, and that is the sentence of the court.

Make an *Oyes*, and command silence while the sentence is read.

Which done, their clerk, Broughton, read the sentence, drawn up in parchment.

Whereas the commons of England in parliament had appointed them an high court of justice for the trial of Charles Stuart king of England, before whom he had been three times convented, and at the first time a charge of high treason, and other crimes and misdemeanours, was read in the behalf of the kingdom of England.

[*Here the charge was repeated.*]

Which charge being read unto him as aforesaid, he, the said Charles Stuart, was required to give his answer; but he refused so to do: [*Expressing the several passages of his refusing in the former proceedings:*] For all which treasons and crimes this court doth adjudge, that he, the said Charles Stuart, as a tyrant, traitor, murderer, and a public enemy, shall be put to death by the severing of his head from his body.

Which being read, Bradshaw added, This sentence now read and published, it is the act, sentence, judgment and resolution of the whole court.

To which they all expressed their assent by standing up, as was before agreed and ordered.

His majesty then said,

Will you hear me a word, sir?

Bradshaw. Sir, you are not to be heard after the sentence.

KING. No, sir?

Bradshaw. No, Sir; by your favour, Sir.

Guard, withdraw your prisoner.

KING. I may speak after sentence, by your favour, Sir, I may speak after sentence, ever—By your favour, hold, the sentence, sir,—I say, sir, I do—I am not suffered to speak; expect what justice other people will have.

The persons that sat when judgment was given upon the life of their king, were these,

Serjeant *John Bradshaw*,

Lieutenant General <i>Cromwell</i> ,	<i>Cornelius Holland Esquire</i> ,
Commissary General <i>Ireton</i> ,	<i>John Carew Esquire</i> ,
<i>John Iisle Esquire</i> ,	<i>Colonel John Jones</i> ,
<i>William Say Esquire</i> ,	<i>Miles Corbet Esquire</i> ,
<i>Sir Hardresse Waller</i> ,	<i>Francis Allen Esquire</i> ,
<i>Colonel Valentine Walton</i> ,	<i>Peregrine Pelham Esquire</i> ,
<i>Colonel Thomas Harrison</i> ,	<i>Colonel John Moore</i> ,
<i>Colonel Edward Whaley</i> ,	<i>Colonel John Alured</i> ,
<i>Colonel Thomas Pride</i> ,	<i>Colonel Henry Smith</i> ,
<i>Colonel Isaac Ewer</i> ,	<i>Humphrey Edwards Esquire</i> ;
<i>Thomas Lord Grey of Groby</i> ,	<i>Gregory Clement Esquire</i> ,
<i>Sir John Danvers Knight</i> ,	<i>Thomas Wogan Esquire</i> ,
<i>Sir Thomas Maleverer, Baronet</i> ,	<i>Sir Gregory Norton, Baronet</i> ,
<i>Sir John Bourchier, Knight</i> ,	<i>Colonel Edmund Harvey</i> ,
<i>William Heveningham Esquire</i> ,	<i>Colonel John Venne</i> ,
<i>Isaac Pennington Alderman</i> ,	<i>Thomas Scot Esquire</i> ,
<i>Colonel Henry Marten</i> ,	<i>Thomas Andrews Alderman</i> ,
<i>Colonel William Purefoy</i> ,	<i>William Cowley Esquire</i> ,
<i>Colonel John Berkstead</i> ,	<i>Anthony Stapely Esquire</i> ,
<i>John Blakeston Esquire</i> ,	<i>Colonel John Downes</i> ,
<i>Gilbert Millington</i> ,	<i>Colonel Thomas Horton</i> ,
<i>Sir William Constable, Baronet</i> ,	<i>Colonel Thomas Hammond</i> ,
<i>Colonel Edmund Ludlow</i> ,	<i>Nicholas Lowe Esquire</i> ,
<i>Colonel John Hutchinson</i> ,	<i>Vincent Potter</i> ,
<i>Sir Michael Livesey, Baronet</i> ,	<i>Augustine Garland Esquire</i> ,
<i>Colonel Robert Tichburne</i> ,	<i>John Dixwell Esquire</i> ,
<i>Colonel Owen Roe</i> ,	<i>Colonel George Fleetwood</i> ,
<i>Colonel Robert Lilborne</i> ,	<i>Simon Maine Esquire</i> ,
<i>Colonel Adrian Scroope</i> ,	<i>Colonel James Temple</i> ,
<i>Colonel Richard Dean</i> ,	<i>Peter Temple</i> ,
<i>Colonel John Okey</i> ,	<i>Daniel Blaggrave Esquire</i> ,
<i>Colonel John Hewson</i> ,	<i>Colonel Thomas Waite</i> ,
<i>Colonel William Goffe</i> ,	

Counsellors assistant to draw up the charge.

Doctor *Isaac Dorislaw*, *Aske, William Steele*, who excused himself by sickness.

John Cooke Solicitor; *Dendy* Serjeant, Mace-bearer; *Broughton* and *Phelps*, Clerks.

His Majesty being taken away by the guard, as he passed down the stairs the insolent soldier's scoffed at him, casting the smoke of their tobacco (a thing very distasteful to him) in his face, and throwing their pipes in his way: and one more insolent than the rest, spitting in his face, his majesty, according to his wonted heroic patience, took no more notice

notice of so strange and barbarous an indignity, than to wipe it off with his handkerchief. As he passed along, hearing the rabble of soldiers crying out, Justice, justice, he said,

Poor souls, for a piece of money they would do so for their commanders.

Being brought first to sir Robert Cotton's, and thence to Whitehall, the soldiers continued their brutish carriage toward him, abusing all that seemed to shew any respect or even duty to him; not suffering him to rest in his chamber, but thrusting in, and smoaking their tobacco, and disturbing his privacy.

But through all these trials (unusual to princes) he passed with such a calm and even temper, that he let fall nothing unbecoming his former majesty and magnanimity.

In the evening a member of the army acquainted the committee with his majesty's desire, that seeing they had passed a sentence of death upon him, and his time might be nigh, he might see his children, and doctor Juxon bishop of London might be admitted to assist him in his private devotions, and receiving the sacrament: Both which at length were granted. And the next day, being Sunday, he was attended by the guard to St James's, where the bishop preached before him upon these words, In the day when God shall judge the secrets of all men by Jesus Christ according to my gospel.

LVIII. His Majesty's Speech to the Lady Elizabeth, and Henry Duke of Gloucester. Jan. 29th, 1648-9.

[Of his majesty's discourse to his children there being several relations, it is thought fit to represent the several copys.]

I. A true relation of the king's speech to the lady Elizabeth and the duke of Gloucester, the day before his death.

HIS children being come to meet him, he first gave his blessing to the lady Elizabeth, and bade her remember to tell her brother James, whenever she should see him, that it was his father's last desire, that he should no more look upon Charles as his eldest brother only, but be obedient unto him as his sovereign: and that they should love one another, and forgive their father's enemies. Then said the king to her, sweet heart, you will forget this. No, said she, I shall never forget it whilst I live: and pouring forth abundance of tears, promised him to write down the particulars.

Then the king taking the duke of Gloucester upon his knee, said, Sweet heart, now they will cut off thy father's head (upon which words the child looked very stedfastly on him) mark, child, what I say; they will cut off my head, and perhaps make thee a king: but mark what I say, you must not be a king so long as your

brothers Charles and James do live; for they will cut off your brothers heads (when they can catch them) and cut off thy head too at last: and therefore I charge you do not be made a king by them. At which the child sighing, said, I will be torn in pieces first. Which falling so unexpectedly from one so young, it made the king rejoice exceedingly.

II. Another relation from the lady Elizabeth's own hand.

WHAT the king said to me the 29th of Jan. 1648, being the last time I had the happiness to see him. He told me, he was glad I was come; and altho' he had not time to say much, yet somewhat he had to say to me, which he had not to another, or leave in writing, because he feared their cruelty was such as that they would not have permitted him to write to me. He wished me not to grieve and torment myself for him, for that would be a glorious death that he should die, it being for the laws and liberties of this land, and for maintaining the true protestant religion. He bid me read bishop Andrews' sermons, Hooker's ecclesiastical polity, and bishop Laud's book against Fisher, which would ground me against popery. He told me, he had forgiven all his enemies, and hoped God would forgive them also; and commanded us, and all the rest of my brothers and sisters, to forgive them. He bid me tell my mother, that his thoughts had never strayed from her, and that his love should be the same to the last. Withal he commanded me and my brother to be obedient to her, and bid me send his blessing to the rest of my brothers and sisters, with commendation to all his friends. So after he had given me his blessing, I took my leave. Further, he commanded us all to forgive those people, but never to trust them, for they had been most false to him, and to those that gave them power; and he feared also to their own souls: and desired me not to grieve for him, for he should die a martyr; and that he doubted not but the Lord would settle his throne upon his son, and that we should be all happier than we could have expected to have been if he had lived. With many other things, which at present I cannot remember.

ELIZABETH.

III. Ano-

III. *Another relation, from the lady Elizabeth.*

THE king said to the duke of Gloucester, that he would say nothing to him but what was for the good of his soul. He told him that he heard the army intended to make him king : but it was a thing not for him to take upon him, if he regarded the welfare of his soul, for he had two brothers before him : and therefore commanded him upon his blessing never to accept of it, unless it rebounded lawfully upon him : and commanded him to fear the Lord, and he would provide for him.

LIX. *His Majesty's Speech upon the Scaffold before Whitehall, with the Manner of his Martyrdom, January 30th 1648-9.*

IN pursuance of the bloody sentence passed upon his sacred majesty, the same sixty-four persons met the same day in the painted chamber, and appointed Waller, [Harrison] Ireton, Deane, and Okey, a committee to consider of the time and place for the execution.

Painted Chamber, Lunæ, Jan. 29th, 1648.

Forty eight of the commissioner's met, and

Upon report made from the committee for considering of the time and place of the executing of the judgment against the king, that the said committee have resolved, that the open street before Whitehall is a fit place ; and that the said committee conceive it fit, that the king be there executed to-morrow, the king having already notice thereof :

The court approved thereof, and ordered a warrant to be drawn for that purpose ; which warrant was accordingly drawn and agreed unto, and ordered to be engrossed, which was done, and signed and sealed accordingly, as followeth.

At the High Court of Justice for the Trying and Judging of Charles Stuart King of England, January 29th, 1648.

WHereas Charles Stuart, King of England, is, and standeth Convicted, Attainted, and Condemned of High Treason and other high Crimes, and Sentence upon Saturday last was pronounced against him by this Court, to be put to death by the severing of his head from his body ; of which Sentence Execution yet remains to be done ; These are therefore to will and require you to see the said Sentence executed in the open street before Whitehall upon the morrow, being the 30th day of this instant Month of January, between the hours of Ten in the Morning and Five in the Afternoon of the same day, with full effect : And so doing this shall be your sufficient Warrant, And these are to require all Officers and

and Soldiers, and other the good People of this Nation of England, to be assisting unto you in this Service.

To Colonel Francis Hacker, Colonel Huncks, and Lieutenant Colonel Phayre, and to every of them.

Given under our hands and seals.

John Bradshaw.	Will. Goffe.	Jo. Moore.
Thomas Gray.	Tho. Pride.	Ha. Waller.
O. Cromwell.	Pe. Temple.	Gilb. Millington.
Edw. Whaley.	Tho. Harrison.	G. Fleetwood.
Mi. Livesey.	Hen. Smith.	J. Alured.
John Okey.	Per. Pelham.	Rob. Lilburne.
Jo. Danvers.	Ri. Dean.	W. Saye.
Jo. Bourchier.	Rob. Tichburne.	Anth. Stapeley.
Rich. Ingoldsbey.	Hum. Edwards.	Gre. Norton.
W. Cawley.	Dan. Blagrove.	Tho. Chaloner.
J. Barkerstead.	Owen Rowe.	Tho. Wogan.
Isaac Ewer.	William Purefoy.	Jo. Venne.
J. Dixwell.	Ad. Scroope.	Greg. Clement.
Val. Wauton.	James Temple.	Jo. Downes.
Symon Meyne.	A. Garland.	Tho. Waite.
Tho. Horton.	Edm. Ludlow.	Tho. Scott.
H. Ireton.	Hen. Marten.	Jo. Carew.
Tho. Maleverer.	Vincent Potter.	Miles Corbet.
John Blakeston.	W. Constable.	
Jo. Hutchinson.	Jo. Jones.	

Tuesday the 30th of January, the fatal day, being come, the commissioners met, and ordered four or five of their ministers to attend the king at St James's where they then kept him; but his majesty well knowing what miserable comforters they were like to prove, refused to have conference with them.

That morning, before his majesty was brought thence, the bishop of London (who with much ado was permitted to wait upon him a day or two before, and to assist him in that sad instant) read divine service in his presence, in which the xxvii. of St Matthew (the history of our Saviour's crucifixion) proved the second lesson. The King supposing it to have been selected on purpose, thanked him afterwards for his seasonable choice. But the Bishop modestly declining that undue thanks told him that it was the lesson appointed by the calendar for that day. He also then and there received of the bishop the holy sacrament, and performed all his devotions in preparation to his passion.

Which ended, about ten of the clock his Majesty was brought from St. James's to Whitehall, by a regiment of foot, with colours flying and drums beating, part marching before and part behind, with a private guard of partisans about him, the bishop on the one hand, and colonel Tomlinson, who had the charge of him on the other, both bare-headed. His majesty walking very fast, and bidding them go faster, added,

That he now went before them to strive for an heavenly crown with less solicitude than he had often encouraged his soldiers to fight for an earthly diadem.

Being

Being come to the end of the park, he went up the stairs leading to the long gallery in Whitehall, and so into the cabinet chamber, where he used formerly to lodge. There, finding an unexpected delay in being brought upon the scaffold, which they had not as then fitted, he passed the time, at convenient distances, in prayer.

About twelve of the clock, his majesty refusing to dine, only eat a bit of bread and drank a glass of claret: and about an hour after colonel Hacker with other officers and soldiers brought him, with the bishop and colonel Tomlinson, through the banquetting house to the scaffold, to which the passage was made through a window. Divers companies of foot and troops of horse were placed on each side of the street, which hindered the approach of the very numerous spectators, and the king from speaking what he had premeditated and prepared for them to hear. Whereupon his majesty finding himself disappointed, omitted much of his intended matter, and for what he meant to speak directed himself chiefly to colonel Tomlinson.

I Shall be very little heard of any body here; I shall therefore speak a word unto you here. Indeed I could hold my peace very well, if I did not think that holding my peace would make some men think that I did submit to the guilt as well as to the punishment: but I think it is my duty, to God first, and to my country, for to clear myself both as an honest man, and a good king, and a good christian. I shall begin first with my innocency. In troth, I think it not very needful for me to insist long upon this; for all the world knows that I never did begin a war first with the two houses of parliament; and I call God to witness, to whom I must shortly make an account, that I never did intend for to inroach upon their privileges: they began upon me; it is the militia they began upon: they confessed that the militia was mine: but they thought it fit for to have it from me. And to be short, if any body will look to the dates of commissions, of their commissions and mine, and likewise to the declarations, they will see clearly that they began these unhappy troubles, not I. So that as to the guilt of these enormous crimes that are laid against me, I hope in God that God will clear me of it. I will not, (I am in charity) God forbid that I should lay it on the two houses of parliament; there is no necessity of either: I hope they are free of this guilt. For I do believe that ill instruments between them and me have been the chief cause of all this blood-shed. So that by way of speaking, as I find myself clear of this, I hope, and pray God, that they may too. Yet for this,
God

God forbid that I should be so ill a christian as not to say that God's judgments are just upon me; many times he does pay justice by an unjust sentence; that is ordinary. I shall only say this, that by an unjust sentence [*upon the earl of Strafford*] that I suffered for to take effect is punished now by an unjust sentence upon me. That is—so far I have said, to shew you that I am an innocent man. Nor for to shew you that I am a good christian; I hope there is a good man [*pointing to the bishop*] that will bear me witness that I have forgiven all the world, and even those in particular that have been the chief causers of my death; who they are, God knows, I do not desire to know; I pray God forgive them. But this is not all. My charity must go further; I wish that they may repent; for indeed they have committed a great sin in that particular: I pray God, with St Stephen, that this be not laid to their charge. Nay, not only so, but that they may take the right way to the peace of the kingdom: for my charity commands me not only to forgive particular men, but my charity commands me to endeavour to the last gasp the peace of the kingdom. So, sirs, I do wish with all my soul, (and I do hope there is some here [*turning to some gentlemen that wrote*] will carry it further) that they may endeavour the peace of the kingdom. Now, sirs, I must shew you both how you are out of the way, and will put you in a way. First, you are out of the way. For certainly all the way you ever have had yet, as I could find by any thing, is in the way of conquest. Certainly this is an ill way; for conquest, sir, in my opinion, is never just, except there be a good just cause, either for matter of wrong, or just title; and then if you go beyond it, the first quarrel that you have to it, that makes it unjust at the end that was just at the first. But if it be only matter of conquest, then it is a great robbery, as a pirate said to Alexander, that he was the great robber, he was but a petty robber. And so, sir, I do think the way that you are in, is much out of the way. Now, sir, for to put you in the way; believe it, you will never do right, nor God will never prosper you, until you give God his due, the king his due, (that is, my successors) and the people their due: I am as much
much

much for them as any of you. You must give God his due, by regulating rightly his church according to his scripture, which is now out of order. For to set you in a way particularly, now I cannot ; but only this, a national synod, freely called, freely debating among themselves, must settle this, when that very opinion is freely and clearly heard. For the king, indeed I will not—

(Then turning to a gentleman that touched the ax, he said,

Hurt not the ax, that may hurt me.) For the king, the laws of the land will clearly instruct you for that ; therefore, because it concerns my own particular, I only give you a touch of it. For the people : and truly I desire their liberty and freedom as much as any body whomsoever ; but I must tell you, that their liberty and freedom consists in having of government, those laws by which their life and their goods may be most their own. It is not for having share in government, sir ; that is nothing pertaining to them ; a subject and a sovereign are clear different things. And therefore until they do that, I mean, that you do put the people in that liberty as I say, certainly they will never enjoy themselves. Sirs, It was for this that now I am come here : if I would have given way to an arbitrary way, for to have all laws changed according to the power of the sword, I needed not to have come here ; and therefore I tell you, (and I pray God it be not laid to your charge) that I am the martyr of the people. In troth, sirs, I shall not hold you much longer ; for I will only say this to you, that in truth I could have desired some little time longer, because that I would have put this that I have said in a little more order, and a little better digested than I have done ; and therefore I hope you will excuse me. I have delivered my conscience : I pray God that you do take those courses that are best for the good of the kingdom and your own salvation.

Then the bishop said, Though it be very well known what your majesty's affections are to the protestant religion, yet it may be expected that you should say somewhat for the world's satisfaction in that particular.

Whereupon the king replied, I thank you very heartily, my lord, for that ; I had almost forgotten it. In troth, sirs, my conscience in religion, I think, is very well known

known to all the world, and therefore I declare before you all, that I die a christian, according to the profession of the church of England, as I found it left me by my father : and this honest man, [*pointing to the bishop*] I think, will witness it.—*Then turning to the officers he said*, Sirs, excuse me for this same. I have a good cause, and I have a gracious God. I will say no more.—*Then to colonel Hacker he said*, Take care that they do not put me to pain. And, sir, this, and it please you——*But a gentleman coming near the ax, the king said*, Take heed of the ax ; pray take heed of the ax. *And to the executioner he said*, I shall say but very short prayers, and when I thrust out my hands——*Then he called to the bishop for his cap, and having put it on, asked the executioner*, Does my hair trouble you ? *Who desired him to put it all under his cap ; which as he was doing by the help of the bishop and the executioner, he turned to the bishop, and said*, I have a good cause, and a gracious God on my side. *The bishop said*, there is but one stage more ; which though turbulent and troublesome, yet is a very short one. You may consider it will soon carry you a very great way ; it will carry you from earth to Heaven : and there you shall find, to your great joy, the prize you hasten to, a crown of glory. *The king adjoins*, I go from a corruptible to an incorruptible crown ; where no disturbance can be ; no disturbance in the world. *Bishop*. You are exchanged from temporal to an eternal crown : a good exchange. *Then the king asked the executioner*, Is my hair well ? *And taking off his cloak and George, he delivered his George to the bishop, saying*, Remember. *Then putting off his doublet, and being in his waistcoat, he put on his cloak again, and looking upon the block, said to the executioner*, You must set it fast. *Execut.* It is fast, Sir. *KING*. It might have been a little higher. *Execut.* It can be no higher, Sir. *KING*. When I put my hands this way, then——

Then having said a few words to himself, as he stood, with hands and eyes lift up, immediately stooping down he laid his neck upon the block ; and the executioner again putting his hair under his cap, his majesty thinking he had been going to strike, bade him

Stay for the sign.

Execut. Yes, I will, and it please your majesty.

After:

After a very short pause, his majesty stretching forth his hands, the executioner at one blow severed his head from his body: which being held up and shewed to the people, was with his body put into a coffin covered with black velvet, and carried into his lodging.

His blood was taken up by divers persons for different ends; by some as trophies of their villany, by others as reliicks of a martyr; and in some hath had the same effect, by the blessing of God, which was often found in his sacred touch when living.

The malice of his enemies ended not with his life; for when his body was carried to St James's to be opened, they directed their empirics to search for such symptoms as might disgrace his person or his posterity. But herein they were prevented by an honest intruder, who gave a true account of his sound and excellent temperament.

Being embalmed and laid in a coffin of lead, to be teen for some days by the people, at length, upon Wednesday the 7th of February, it was delivered to four of his servants, Herbert, Mildmay, Preston, and Joyner, who, with some others, in mourning equipage attended the hearse that night to Windsor, and placed it in the room which was formerly the king's bed-chamber.

Next day it was removed into the dean's hall, which was hung with black and made dark, and lights were set burning round the herse. About three afternoon the duke of Richmond, the marquis of Hertford, the earls of Southampton and Lindsay, and the bishop of London (others that were sent to, refusing that last service to the best of princes) came thither with two votes passed that morning, whereby the ordering of the king's burial was committed to the duke, provided that the expences thereof exceeded not 500l. This order they shewed to colonel Whichcot the governor of the castle, desiring that the interment might be in St George's chapel, and according to the form of the common prayer. The latter request the governor denied, saying, "that it was improbable the parliament would permit the use of what they had so solemnly abolished; and therein destroy their own act."

The lords replied, "that there was a difference betwixt destroying their own act, and dispensing with it; and that no power so binds its own hands, as to disable itself in some cases." But all prevailed not. The governor had caused an ordinary grave to be digged in the body of the church of Windsor for the interment of the corps; which the lords disdainful found means by the direction of an honest man, one of the old knights, to use an artifice to discover a vault in the middle of the quire, by the hollow sound they might perceive in knocking with a staff upon that place; that so it might seem to be their own accidental finding out, and no person receive blame for the discovery. This place they caused to be opened, and entering, saw one large coffin of lead in the middle of the vault covered with a velvet pall, and a lesser on one side (supposed to be Henry VIII. and his beloved queen Jane Saint-Maure) on the other side was room left for another (probably intended for queen Katharine Parr, who survived him) where they thought fit to lay the king.

Hither the hearse was borne by the officers of the garrison, the four lords bearing up the corners of the velvet pall, and the bishop of London following. And in this manner was this great king, upon Friday the

the 9th of February, about three afternoon, silently, and without other solemnity than of sighs and tears, committed to the earth, the velvet pall being thrown into the vault over the coffin; to which was fastened an inscription in lead of these words,

KING CHARLES 1648.

CAROLI Primi τῷ Μακαρίῳ Epitaphium Εὐδικασυλλαβίων.

S Istas sacrilegum pedem, viator,
Ne forsan temeres sacros sepulchri
Augusti cineres. Repôstus hic est
In terræ gremio decor stuporque
Humani generis; senex, & infans;
Prudens scilicet innocensque princeps;
Regni præsidium; ruina regni;
Vitâ præsidium, ruina morte.
Quem regem potius, patremve dicam?
O patrem prius, & deinde regem!
Regem quippe suû, patremque regni.
Hic donumque Dei, Deique cura,
(Quem vitaque refert, refertque morte)
Ringente Satana, canente cœlo,
Diro in pegmate [gloriæ theatro]
Et Christi cruce, victor, & securi
Baptistæ emicuit. Ruina felix!
Qua divum Carolus secutus Agnum,
Et postliminio domum vocatus
Primævæ patriæ fit inquilinus.
{ Sic lucis prius hesperus cadentis
{ Resplendet modo phosphorus reversæ.
Hic vindex fidei sacer vetustæ,
Cui par est nihil, & nihil secundum,
Naturæ typus absolutioris,
Fortunæ domitor ferendo suæ;
Qui quantum calicis bibit tremendi,
Tantundem sibi gloriæ reportat;
Regum maximus, unicuique regum,
In quo res minima est, fuisse regem.
Solus, qui supera locatus arce
Vel vita poterit frui priore.

Quum sint reliquiæ, cadaver, umbra
Tam sacri capitis vel ipsa sacra,

Ipsis

Ipfis eulogiis coinquinata,
 Quæque ipfum Ἐνδρασύλλατον prophanat;
 Siftas facrilegum pedem, viator.

THO. PIERCE, D. D.

Coll. Magd. apud Oxon. Præfes.

*An Elegy upon the Death of our Dread Sovereign Lord,
 King Charles the Martyr.*

COME, come, let's mourn; all eyes that see this day,
 Melt into show'rs, and weep yourselves away.
 O that each private head could yield a flood
 Of tears, whilst Britain's head streams out his blood!
 Could we pay what his sacred drops might claim,
 The world must needs be drowned once again.
 Hands cannot write for trembling; let our eye
 Supply the quill, and shed an elegy.
 Tongues cannot speak; this grief knows no such vent:
 Nothing but silence can be eloquent.
 Words are not here significant; in this
 Our sighs, our groans bear all the emphasis.
 Dread Sir! what shall we say? hyperbole
 Is not a figure, when it speaks of thee.
 Thy book is our best language; what to this
 Shall e're be added is thy meiosis:
 Thy name's a text too hard for us; no men
 Can write of it, without thy parts and pen.
 Thy prisons, scorns, reproach, and poverty
 (Tho' these were thought too courteous injury)
 How couldst thou bear? Thou meeker Moses, how?
 Was ever lion bit with whelps till now
 And did not roar? Thou England's David, how
 Did Shimei's tongue not move thee? where's the man?
 Where is the king? Charles is all christian.
 Thou never wantedst subjects, no; when they
 Rebell'd, thou mad'st thy passions to obey.
 Hadst thou regain'd thy throne of state by power,
 Thou hadst not then been more a conqueror.
 But thou, thine own soul's monarch, art above
 Revenge and anger: Canst thou tame thy love?
 How couldst thou bear thy queen's divorce? must she

At once thy wife, and yet thy widow be ?
 Where are thy tender babes once princely bred,
 Thy choicest jewels ? are they sequestred ?
 Where are thy nobles ? Lo, instead of these,
 Base savage villains, and thy enemies.
 Egyptian plague ! 'twas only Pharaoh's doom,
 To see such vermin in his lodging-room.
 What guards are set ? what watches do they keep ?
 They do not think thee safe, tho' lock'd in sleep.
 Would they confine thy dreams within to dwell,
 Nor let thy fancy pass their centinel ?
 Are thy devotions dangerous ? or do
 Thy prayers want a guard ? These faulty too !
 Varlets, 'twas only when they spake for you.

But lo ! a charge is drawn, a day is set,
 The silent lamb is brought, the wolves are met.
 Law is arraign'd of treason, peace of war,
 And justice stands a prisoner at the bar.
 This scene was like the passion-tragedy :
 His Saviour's person none could act but he.
 Behold, what Scribes were here, what Pharisees !
 What bands of soldiers ! what false witnesses !
 Here was a priest, and that a chief one, who
 Durst strike at God, and his vicegerent too,
 Here Bradshaw, Pilate there ; this makes them twain,
 Pilate for fear, Bradshaw condemn'd for gain.
 Wretch ! couldst not thou be rich, till Charles was dead ?
 Thou mightst have took the crown, yet spar'd the head.
 Th' hast justified that Roman judge ; he stood
 And washt in water, thou hast dipt in blood.

And where's the slaughter house ? Whitehall must be,
 Lately his palace, now his Calvarie,
 Great Charles, is this thy dying place ? And where
 Thou wert our king, art thou our martyr there ?
 Thence, thence thy soul took flight, and there will we
 Not cease to mourn, where thou didst cease to be.
 And thus, blest soul, he's gone : a star, whose fall,
 As no eclipse, proves oecumenical.
 That wretch had skill to sin, whose hand did know
 How to behead three kingdoms at one blow.
 England hath lost the influence of her king,
 No wonder that so backward was her spring.

O dismal day ! but how yet quickly gone !
It must be short, our sun went down at noon.

And now, ye senators, is this the thing
So oft declar'd ? is this your glorious king ?
Did you by oaths your God and country mock ?
Pretend a crown, and yet prepare a block ?
Did you, that swore you'd mount Charles higher yet,
Intend the scaffold for his Olivet ?

Was this, Hail master ? Did you bow the knee,
'That you might murder him with loyalty ?

Alas ! two deaths ! what cruelty was this ?
The ax design'd, you might have spar'd the kifs.

London, didst thou thy prince's life betray ?
What ? could thy fables vent no other way ?
Or else didst thou bemoan his cross ? then, ah !
Why wouldst thou be the cursed Golgotha ?
'Thou once hadst men, plate, arms, a treasury
To bind thy king, and hast thou none to free ?
Dull beast ! thou shouldst, before thy head did fall,
Have had at least thy spirits animal.

Did you, ye nobles, envy Charles his crown ?
Jove being fall'n, the puny gods must down ;
Your rays of honour are eclips'd in night,
The sun is set from whence you drew your light.

Religion veils herself, and mourns that she
Is forc'd to own such horrid villany.
The church and state do shake ; that building must
Expect to fall, whose prop is turn'd to dust.
But cease from tears.—Charles is most blest of men :
A God on earth, more than a faint in heaven.

*Majesty in Misery; or, An Imploration to the King of
Kings.—Written by his Majesty, during his Captivity
in Carisbroock Castle, 1648.*

Great Monarch of the world, from whose power }
The potency and power of kings, (springs }
Record the loyal woe my sufferings sing ! }
And teach my tongue, that ever did confine }
Its faculty in truth's seraphic line, }
To track the treasons of thy foes and mine. }

Nature

Nature and law, by thy divine decree,
 (The only root of righteous royalty)
 With this dim diadem invested me.

With it the sacred sceptre, purple robe,
 The holy unction, and the royal globe—
 Yet am I levell'd with the life of Job.

The fiercest furies, that do daily tread
 Upon my grief, my gray discrowned head,
 Are those that to my bounty owe their bread.

They raise a war, and christen it The Cause,
 Whilst sacrilegious hands have best applause;
 Plunder and murder are the kingdom's laws.

Tyranny bears the title of taxation;
 Revenge and robbery are reformation;
 Oppression gains the name of sequestration.

My loyal subjects, who in this bad season
 Attend me (by the law of God and reason)
 They dare impeach and punish for high-treason.

Next, at the clergy do those furies frown;
 Pious episcopacy must go down,
 They will destroy the crozier and the crown.

Churchmen are chain'd, and schismatics are freed;
 Mechanicks preach, and holy fathers bleed;
 The crown is crucified with the creed.

The church of England doth all factions foster,
 The pulpit is usurp'd by each impostor,
Extempore excludes the *Pater noster*.

The presbyter and independent feed
 Spring with broad blades to make religion bleed;
 Herod and Pontius Pilate are agreed.

The corner-stone's misplac'd by ev'ry paviour;
 With such a bloody method and behaviour
 Their ancestors did crucify our Saviour.

My royal consort, from whose fruitful womb
 So many princes legally have come,
 Is forc'd, in pilgrimage, to seek a tomb!

Great Britain's heir is forced into France,
Whilst on his father's head his foes advance;
Poor child! he weeps out his inheritance:
With my own pow'r my majesty they wound,
In the king's name the king himself's uncrown'd;
So doth the dust destroy the diamond.
With propositions daily they inchant
My people's ears, such as do reason daunt,
And the Almighty will not let me grant.

They promise to erect my royal stem,
To make me great, t'advance my diadem;
If I will first fall down and worship them.

But for refusal they devour my thrones,
Distress my children, and destroy my bones;
I fear they'll force me to make bread of stones.

My life they prize at such a slender rate,
That in my absence they draw bill of hate,
To prove the king a traitor to the state.

Felons obtain more privilege than I;
They are allowed to answer ere they die;
It's death for me to ask the reason why.

But, sacred Saviour! with thy word I woo
Thee to forgive, and not be bitter to
Such as thou know'st do not know what they do.

For since they from their Lord are so disjointed,
As to condemn those edicts he appointed,
How can they prize the pow'r of his anointed?

Augment my patience, nullify my hate,
Preserve my issue, and inspire my mate;
Yet, though we perish, bless this church and state!

Vota dabunt quæ bella negarunt.
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